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D.R. Wright

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# TRIAL OF WILLARD CLARK,

DEXTER R. WRIGHT,  
FOR THE MURDER OF  
ATTORNEY AT LAW  
RICHARD W. HAVEN, CROWN  
WRIGHT.

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## DEFENSE—INSANITY.

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No.

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NIHIL EST QUOD DISCERE VELIS, QUOD  
ILLE DOCERE NON POSSIT.—*Pliny.*



✓ REPORT 2

OF THE

TRIAL OF WILLARD CLARK,

INDICTED FOR THE MURDER

OF

RICHARD W. WIGHT,

BEFORE THE SUPERIOR COURT OF CONNECTICUT,

HOLDEN AT NEW HAVEN,

ON MONDAY, SEPTEMBER 17, 1855.

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BY H. H. MC FARLAND,  
ASSISTED BY THE COUNSEL FOR THE STATE AND DEFENSE.

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NEW HAVEN:  
THOMAS H. PEASE.

T. J. STAFFORD, PRINTER.

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MDCCLV.





## PREFATORY NOTE.

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It is believed that this case, involving, as it does, a difficult and delicate question of insanity, has had few or no equals in its medico-legal importance, in the jurisprudence of this country or of England. Such a case, properly reported, cannot fail to throw light upon trials of a similar character hereafter, and be of much service to the cause of Justice. Those, therefore, who have been engaged in the preparation of this volume, have spared no pains to secure its completeness and reliability.

The testimony as taken during the trial, has been carefully compared with the copious minutes of the counsel. All the arguments have been written out by the gentlemen who made them, and the presiding Judge has kindly furnished his charge to the Jury.

The reporter returns thanks to all who have assisted him. He is under special obligations to HENRY B. HARRISON, Esq., whose labors have been as untiring, as they have been valuable.



# TRIAL OF WILLARD CLARK.

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At the June Term of the County Court, held at New Haven, within and for the county of New Haven, on the sixth day of June, A. D. 1855, the Grand Jury returned the following indictment against Willard Clark.

## State of Connecticut.

COUNTY OF NEW HAVEN, ss. New Haven, 6th day of June, in the year of our Lord one thousand eight hundred and fifty-five.

To the Honorable County Court of the County of New Haven, now sitting in the town of New Haven, aforesaid, within and for the said New Haven County, on the first Tuesday of June, in the year one thousand eight hundred and fifty-five:

The Grand Jurors within and for the said County of New Haven, from the body of the County, on their oaths do present and inform that at the said Town of New Haven, in said County of New Haven, on the 28th day of April, in the year of our Lord one thousand eight hundred and fifty-five, Willard Clark, of said Town of New Haven, with force and arms, in and upon the body of one Richard W. Wight, of the said Town of New Haven, in the peace then and there being, feloniously, willfully, and of his malice aforethought, did make an assault; and that the said Willard Clark, a certain pistol of the value of two dollars, then and there charged with gunpowder and one leaden bullet, which said pistol, he, the said Willard Clark, in his right hand, then and there had and held, then and there feloniously, willfully, and of his malice aforethought did discharge and shoot off, to, against and upon the said Richard W. Wight, and that the said Willard Clark, with the leaden bullet aforesaid out of the pistol aforesaid, then and there by force of the gunpowder aforesaid, by the said Willard Clark discharged and shot off as aforesaid, then and there feloniously, willfully, and of his malice aforethought did strike, penetrate and wound him, the said Richard W. Wight, in and upon the right side of the head of him, the said Richard W. Wight, giving to him, the said Richard W. Wight, then and there with the leaden bullet aforesaid, so as aforesaid discharged and shot out of the pistol aforesaid by the said Willard Clark, in and upon the right

side of the head of the said Richard W. Wight, and a little above the right ear, one mortal wound of the breadth of one inch, and of the depth of five inches, of which said mortal wound, he, the said Richard W. Wight, on and from the said twenty eighth day of April, one thousand eight hundred and fifty-five, until the first day of May, one thousand eight hundred and fifty-five, at the said town of New Haven, in the County of New Haven aforesaid, did languish, and languishing did live, on which said first day of May, one thousand eight hundred and fifty-five, he, the said Richard W. Wight, at the town of New Haven aforesaid, of the mortal wound aforesaid, died. And so the Grand Jurors aforesaid, upon their oaths aforesaid, do say that the said Willard Clark, him, the said Richard W. Wight, in the manner and by the means aforesaid, feloniously, willfully, and of his malice aforethought, did kill and murder, against the peace of evil example and contrary to the statute in such cases made and provided.

[Endorsed] A True Bill.

GREEN KENDRICK, *Foreman.*

On motion of the prisoner's counsel, H. B. HARRISON, Esq., the case was then continued to the September term of said Court.

By an Act of the General Assembly of Connecticut, May Session, 1855, passed after the finding of the above bill of indictment, the County Court was abolished, and all cases pending therein, were transferred for trial to the Superior Court.

SUPERIOR COURT FOR NEW HAVEN COUNTY,  
SEPTEMBER TERM, 1855.

Hon. WILLIAM W. ELLSWORTH, *Presiding Judge.*  
Hon. JOHN D. PARK, *Associate Judge.*

For the State, { E. K. FOSTER, Esq., *State's Attorney,*  
                    { JAMES D. KEENE, Esq.

For the Prisoner, { CHARLES CHAPMAN, Esq.,  
                    { HENRY B. HARRISON, Esq.

*Monday Afternoon, September 17th.*

COURT opened at 2 o'clock. The prisoner was arraigned and plead not guilty to the indictment.

Mr. CHAPMAN then said: In the preparation of the defense in this case, may it please the Court, we have taken various depositions in other States, which we propose to introduce. We understand that the Attorney for the State will object to their admission, on the ground that he was not personally, or by his associate, present when they were taken. We are as ready to settle the question now, as at any other time, and therefore propose that if objection is to be made, it be now made, and the point determined.

The STATE'S ATTORNEY objected to the admission of the depositions

on the ground that although the Attorney for the State had appeared before the Commissioners who took the depositions, at the time of the taking thereof, and had claimed a right to be present at the taking of the depositions, and the further right to propound cross interrogatories to the witnesses, verbally, and also in writing, he, the Attorney, had been denied by the said Commissioners the exercise of the rights so claimed by him.

In reply, Mr. CHAPMAN, admitting that the State's Attorney had made before the Commissioners the general claims referred to by the State's Attorney, insisted that the Commissioners had proceeded according to law, in overruling the said claims of the Attorney, and in refusing to permit him to be present at the taking of the depositions. [By the certificates of the Commissioners, appended to the depositions, it appeared that no counsel, either for the State or for the prisoner, were present at the taking of the depositions; but that the State's Attorney had appeared before the Commissioners and made his claims aforesaid, and that his said claims had been overruled by the Commissioners.]

The COURT after taking under consideration until the next morning, the objections of the State's Attorney, overruled the objections, and held that the depositions, having been duly taken in accordance with the provisions of the Statute, (Compilation of 1854, p. 351,) were admissible. The Statute is as follows :

" Whenever in any prosecution pending before the Superior or County Court, it shall be made to appear to such Court or to the Judge, who shall have been designated to hold the next term of said Court, that the testimony of any witness or witnesses will be required, who by reason of sickness, bodily infirmity, or residence out of this State, cannot be had in person before such Court, on the trial of such prosecution, such Court or Judge may upon the application of such person so prosecuted, order that the depositions of such witness or witnesses shall be taken before a Commissioner or Magistrate, to be designated by such Court or Judge ; provided that no such depositions shall be so taken until after reasonable notice shall have been given to the Attorney for the State, in the County in which such prosecution shall be so pending, of the time and place, when and where such examination shall be had, and of the interrogatories to be propounded to the witness or witnesses ; and said Attorney may, within such time as such Court or Judge shall limit and appoint, file with the Clerk of said Court, where such prosecution shall be pending, additional interrogatories to be propounded to the witness or witnesses to be examined ; and depositions so taken and opened, and lodged on file with the Clerk of said Court, within such time as said Court or Judge shall direct, may be used on the trial of such prosecution."

Thereupon the Jury were called by the Clerk, and after various challenges, the following Jurors were duly impaneled and sworn for the trial of the cause.

David B. Hurd, *Waterbury*, Foreman ; Elam Cook, Bradley Miles, *Cheshire* ; Elah Camp, *Hinsdale* S. Rice, *Meriden* ; Oliver Mitchell, *Southbury* ; Thomas W. Holbrook, John R. Davis, George Tomlinson, *Oxford* ; Ezra S. Sperry, *Bethany* ; Stephen U. Cowell, *Waterbury* ; Denison D. Lambert, *New Haven*.

COURT adjourned.

*Tuesday Morning, September 18th.*

COURT opened at 9 o'clock.

The STATE'S ATTORNEY opened the case on behalf of the Government, substantially as follows :

*Gentlemen of the Jury :*

The charge against the prisoner in this case is for the murder of Richard W. Wight, on the 28th day of April last. At that time Wight was shot, and shot by the prisoner. He was then living at the house of his father-in-law, Mr. Bogart, in West Chapel street. A plan of the house I here submit to you. [The Attorney exhibited the plan to the Jury.] We shall show that on the day in question the prisoner called at the house at four or five in the afternoon, and inquired for Mrs. Wight and perhaps her husband. Neither of them were at home. He remained for a while, and had some conversation with Mrs. Bogart relative to Wight's contemplated removal to another residence. He then left and afterward came in while the family were at tea. When they had finished tea, Mrs. Bogart, Mrs. Wight and her husband, rose and went into the front room. Clark went in with them. Here, while Wight was in a kneeling position, tying up a bundle, Clark placing the pistol directly in front of the right ear, discharged it. Wight fell, and continued in a state of insensibility until the first day of May, when he died. I think we shall show from the attendant circumstances and declarations subsequently made by the prisoner, that the deed was perpetrated and done with express malice. If so, we shall ask, at your hands, a verdict of guilty.

HAVING closed his remarks, the Attorney proceeded to the

#### TESTIMONY FOR THE STATE.

*Henrietta M. Bogart, called and sworn.*—I knew Richard W. Wight. He was the husband of my daughter. I know the prisoner. He came to our house on Saturday afternoon, April 28th, about 4 o'clock, and asked for the girls. I told him they had gone. He asked me where. I told him I could not tell where they had gone; they had gone to make calls. He asked me if they were going to leave home that day. I told him yes, I supposed they were. He said, do you want to have them go? I said, of course I would rather they should stay at home. Mr. Clark said, she is young, and ought not to leave home, and said he wanted to see her before she left home, and talk with her. I told him that he could not see her. He asked when they would be home. I told him I could not tell him. He said, what time will they leave home tonight? I told him I could not tell him. He said, I want to see the family all together before they leave. I told him he could not. I also requested him not to come there again. I said, don't come up again. That was all that occurred in the afternoon. Between six and seven on the evening of the same day, he came in by the front door, passed through the hall, to the back hall, to the back room door. Clark came in and said, good evening, Mrs. Bogart. I said, good evening, and took some things that were to be packed and carried them into the parlor.

Mrs. Wight followed me, and her husband followed her. Mr. Wight said to me, mother, give me half of the things, you can't put them all together. I then gave him half the things, and he was kneeling when I left the room, tying them up. I left the room to get a cord to finish tying them. I left the front room, and went into the hall upon the stoop. I had been there a short time when I heard the report of the pistol. Mrs. Wight came through the hall screaming—came to me and threw her arms around my neck, and said, mother, mother, mother, Willard Clark has killed Richard dead. Her father came and took her away from me. I went directly around the house. I met Mr. Horace Dibble, and said to him, go for somebody. He went directly for an officer, and then came back to the house. He came to the back room and sat by Mrs. Wight. I did not immediately go into the room where Wight was. I did so soon. He was lying on his left side on the floor. I went to him, put my hand around his neck, and spoke to him. He groaned, but gave me no other reply. He lived three days after this. He died in the morning, on the first day of May; on Tuesday morning. He said nothing in my hearing, after he received this wound.

I had never heard Clark make use of threatening language in regard to Wight, except once. That was January 1, 1855. He came up to our house. Mr. Wight called—came into the back room. He was not then married. He came in where I was sitting, with Mr. Clark. After Mr. Wight left the room, Mr. Clark said, that fellow will reap his reward. Mr. Wight went into the parlor. Mr. Selvin, Mr. Nettleton, and my two daughters, Henrietta and Isabella, were in there. I said, what fellow? He said, Dick. Wight's name was Richard. I said to him, what has he done? He said, he's done enough. When Clark called the second time on the 28th of April, Mr. and Mrs. Wight and her sister and myself were in the room. He had no conversation with any one that evening. He spoke as usual, when he said good evening.

*Cross Examined.*—I cannot say precisely how long I have been acquainted with Mr. Clark; between six and seven years ago. We moved to West Chapel street a year ago last May. Previous to that we lived in Day street one year. When we went to Day street we moved from the corner of George and Broad streets. We lived there seven years. When I first knew Clark he was not in business. He was clerk in a grocery store, in Mr. Wm. Parmalee's store, on the corner of George and York streets, the same place where Clark afterwards kept himself. Since Clark has been in business, he has occupied the same store all the while. That store is two squares from our former residence on the corner of George and Broad streets. His acquaintance with my daughter, Mrs. Wight, commenced in 1852. Her name is Henrietta Maria. This was the first knowledge I had of their acquaintance. He had known her when she was a little school girl. In going to school she was obliged to pass his place of business. She occasionally went in there as did other children. I sometimes sent her there to make small purchases. I first knew of any attachment of his, for her, in July, 1852. He had called at our house previously. I can't say when he began to. It was not as early as 1850. It might have been in 1851. In July, 1852, he

called, and thence he called statedly. His stated calls began on the 4th of July, 1852. The purpose for which he called was not avowed to me on that occasion. It was not avowed to anybody, so that it was communicated to me. After July, 1852, he called once or twice a week. He ordinarily called on Sunday evening—the other evening was when it was most convenient for himself. From July, 1852, I knew that these visits were made to my daughter Henrietta.

Mr. CHAPMAN then asked when the witness first knew of Mr. Clark's attachment to her daughter. Objected to by the ATTORNEY, as being improper at this stage of the case. Referred to 1st of Greenleaf, sec. 445, 447. In reply to this, Mr. CHAPMAN went into a detailed statement of the course the defense intended to adopt, saying that the inquiry he was putting was intended to throw light on the state of mind in which the prisoner was, when he committed the homicide. The question was allowed, and the cross examination proceeded.

*Cross Examination resumed.*—I was informed of the attachment of the prisoner to my daughter during that summer. I had conversation with him, on that subject, during the summer. He did not ask my consent to their marriage during that summer. He did propose then, to Henrietta, and the engagement was entered into. These visits continued down to January 1, 1854. He sometimes came in several times a week. My daughter communicated the engagement to me as soon as it was made. She was fourteen years old in the summer of 1852. She is now in her eighteenth year. I do not recollect when I first conversed with the prisoner about the attachment. In July, 1852, he went to Waterbury for her. He brought her home. Some time after that I had a conversation with him; it was in the summer. He said he liked her appearance from a child. She did not appear like most children; he could never approach toward her as he could toward other children. He said that if he attempted to go toward her, she would leave the store. He could never take hold of her, and play with her as he could with other children, and therefore he liked her. He asked her if she could not like him. He did not say anything about her attachment for him. He did not say they had entered into a contract of marriage. No one was present at this conversation but he and myself. I don't recollect whether he told me that she had an attachment for him. It was during the summer that he spoke of that.

Mr. Wight lived in the same house that we did on the corner of George and Broad streets. He came there about July, 1852, and lived there about a year. He walked with Henrietta, and paid her some attention, only through Mr. Clark's permission, until the breaking of their engagement. There were two families in the house, that of Mr. Wight's brother-in-law, and our own. He frequently visited in our part. During the summer of '53 and '54 he occasionally called. And during this time he paid some attention to my daughter. His particular attentions to my daughter commenced January 1, 1854. Previous to that he didn't always call for her when he came to see us. I did not suppose that he intended to marry her, before that time. I do not

recollect having conversations with Clark about Wight's attachment, previous to January 1, 1854. I had supposed there might be such a thing as an attachment to Henrietta, on Wight's part, before January 1, 1854.

At this time the engagement between the prisoner and my daughter was broken up. The fact that she had determined to break off the engagement was communicated to Clark by Henrietta herself. I conversed with Clark on that subject, that night. He asked Henrietta for me. I went into the room. He asked me if I had anything to do with the breaking of the engagement. I told him that I had not. He wanted to know if I had done anything to influence her. I told him that I had not, but that I should not urge a daughter of mine to marry a man unless she loved him. At other times she had told Clark that she had no attachment for him. She said that night that she could not marry him; she had her reasons for it. She said, I don't want you, and I can't marry you. Up to May, 1853, when we moved, she loved him, I think. After this it became apparent that she did not love him. It was about that time that she told him that she had no attachment for him. During that season she communicated this fact to him a number of times, and Mr. Clark spoke to me about it, and asked me if I did not think that she liked him; I told him the time had been when she liked him, but you know what your conduct has been, and she is capable of hating you as much as she ever loved you, if she ever loved you at all.

Between May, '53, and Jan. 1854, I had several times told him the same as to tell him that she did not care about him. During this time, he thought an early marriage between them would be best. He said he had told Mr. Parmalee of his troubles, that her father was averse to it, and that Mr. P. advised him to marry soon. He did not urge it, that summer, as I know of. The night the engagement was broken, he told her that he wanted to be married the next Sunday. This was Sunday night. He said, I have told that I am to be married next Sunday evening; will you be married? She said no. She said to him, if you can't wait until May comes, I will not have you. He then desired a note of dismissal, which she gave him. This was the first I knew that she was going to break off the engagement. She had previously told me and him, that she did not like him well enough to marry him. He told her that evening, that if she would not marry him, he would thank her for a written dismissal. He left the house that night about 9 o'clock in the evening.

My daughter married Mr. Wight on the 12th March, 1855. Previous to Jan. 1854, my daughter had denied herself to Clark, absenting herself when he called and going away when she knew he was coming. She refused to see him, and while in the room with him, exhibited a disinclination to converse with him. He remonstrated with her about this, and in reply she said she could not love him. In these conversations he occasionally asked if Wight called there. He was told that he did. He asked, what for? He was told that he called as an acquaintance. I do not recollect that he ever intimated that Wight had supplanted him.

Jan. 1, 1854, Mr. Wight came to our house and said his father was up from New York, and wanted him to have a party before he went home. It was to be on Monday night, Jan. 2d, and on that night Henrietta told Mr. Wight that the Clark engagement was broken off, and from that time until March, 1854, Wight visited her. From March, 1854, to Oct. 10, 1854, he did not visit her. During this time he was in the city, boarding at his sister's. I do not know when Wight and my daughter were first engaged; it was communicated to me only a short time before they were married. During their engagement, Mr. Clark made presents to my daughter. He furnished her with a melodeon between March and October, 1854. It came soon after Wight left coming there. He said to me, wouldn't Henrietta like a melodeon; I said yes, but it would not be proper for you to get her one; the engagement is broken off, and she will never take anything more from you. He said, why not take it from me, as well as from another? I said, it will make talk, and will not be proper; you know she will never be anything more to you. He said, I will give it to you for her, and if she should marry a man that should become jealous on account of the melodeon, I will take it back if she wants me to. He had previously given her an accordeon and some other little things. Those things were sent back to him, very soon after the engagement was broken off; I think during Jan., 1854. He was at our house, before it was done, however. He was there occasionally, and solicited me to interfere with Henrietta, and have the engagement revived. He solicited her, also. I told him I didn't think there would be any use in it. I told him once, that I was glad that the engagement was broken off, for there was not any similarity in their dispositions. He solicited me often. It was to put an end to those solicitations that the presents were returned. He sometimes told me when I told him that Henrietta did not love him, that I was mistaken, but not always. When Henrietta told him too, that she did not love him; I don't know that he told her that she did love him. It was after the bracelet and accordeon had been returned, that the melodeon conversation was held. My daughter played the melodeon and guitar, and sang. He, Clark, played a violin and flute, but did not sing. In May, 1854, the melodeon came.

COURT adjourned.

*Tuesday Afternoon, September 18th.*

COURT opened at 2 o'clock.

*Cross Examination of Henrietta M. Bogart, continued.*—When the melodeon came back, Mr. Clark did not come with it. It was taken away not long after Wight recommenced his visits. Clark desired her to take music lessons. Mr. Moulthrop was the teacher he procured for her. She took lessons, perhaps a quarter. He procured no other teachers for her. He sent her to dancing school during their engagement. The occasion of sending the melodeon home was that Mr. Wight had asked her whose melodeon it was. He then asked her to take no more lessons, or to play it at all, and she did not. I said to him, you should

not find so much fault. I told Mr. Clark what had passed between me and Mr. Wight, and he said there could be no harm in her playing it. I said, it's Mr. Wight's wish that she shouldn't play on it, and she won't. I wrote to Clark to come and take it away, and he came for it himself. There was an appointment at Clark's request, while the melodeon was there, between Henrietta and Clark, for a music meeting. I don't remember when. I don't remember whether he was to bring any other persons with him. Clark came at the time appointed. My daughter was not there. I suppose she went away to avoid seeing him. When Clark came, he asked me where she was, and I told him she had gone away. He said it was strange that she should go away. He did not tell me why. I do not know of his appointing a time for musical interviews at any other period.

I never communicated to Clark that my daughter was to be married to Wight. He asked me if she was going to marry him; I avoided answering him. I don't recollect when it was; not a great while before they were married, I should think. I told him, I don't know that it is anything to you. He said he thought it was. I said, I don't know why it is, for she certainly never would have had you. I don't recollect that he said anything in reply to this. I think he did not. Between Jan. 1, 1855, and March 12th, when my daughter was married, he did not come to our house frequently; there were, I think, two intervals of six weeks, when he didn't come; sometimes he came two or three times a week. After the marriage he called. He said he wished to be considered a friend of the family; this was very soon after the marriage. He said he wished to be considered just as much her friend as he ever was; he wished to be considered as a brother, or friend. After the marriage, and between that and the death, he did not call frequently at the house. There were intervals of at least a week between his comings. I don't know the number of times he came after the marriage; I can't tell how many times; there was a week that he didn't visit. I did not know that he had been out of town, the first week after the marriage. When he did come, my daughter Henrietta was not present. I well recollect his bringing me a writing after they were married. I don't know to whom it was addressed. I read it; I didn't deliver it to her. Clark asked me to hand it to her. I refused. I didn't think it proper. I told him I would not hand it to my daughter. I cannot state what was in it. I should think it covered a side of letter paper. I looked it over. I think it was likely that the writing said that my daughter had been constrained to marry Wight. Clark had said that to me himself. I recollect Clark said, why don't you read it, Mrs. Bogart, you don't understand it, do you? I do not remember that the writing said that Wight had married my daughter to victimize her. He had told me that before. I cannot recollect enough to make anything out of the letter. It was a writing that he had no business to give me. I cannot precisely recollect anything in it. I cannot state what was in it. As I glanced over it, I thought there was nothing in it fit to be communicated. If I make one answer, that will lead to another question. He had no business to give me any such

writing. The idea of it was that she was improperly living with her husband. I do not recollect any more. He had, on another occasion when he came to our house, what he called a sermon. It was addressed to no one, within my knowledge. He read it himself. It had no text. It was of a religious character. It was on a common sheet of paper. He only came there with two writings, at all.

Clark told me after the marriage that he didn't think that Mr. Wight cared anything for Henrietta. I understood from what he said that Wight married her to prevent his having her. He claimed that it was an improper marriage. I believe he said that Wight didn't love Henrietta. I think he claimed that Henrietta did not love him, Wight. I do not remember that he said that Wight hated her. Clark said that my daughter ought not to leave home. I recollect hearing him say so, twice. There was no time when my daughter and her husband intended to move out of town, or to any other place than that to which they finally concluded to remove. That night they had concluded to remove to Hill st., to his brother-in-law's. That afternoon, when he came up, he said she was young and ought not to go from her father's house. He said that she was going where they were not capable of appreciating her worth. I told him she could come home any time she chose; he said, I don't know about that. He said she had ought to remain under her mother's care. In the letter, he said that Wight meant to make a concubine of her. He did not tell me, on this Saturday afternoon, that he would come down, or that he would like to come down in the evening and expose Wight's designs before my daughter, and all the family; he said he would like to see all the family together in the evening; he did not say what he wanted to see them for. In conversations, he had intimated that Wight left my daughter from March, 1854, to Oct. 1854, because he, Wight, had treated her ill. This was before her marriage. He said he thought so. He said that nothing would make any difference with him, he would marry the girl if he could get her. I suppose likely enough he thought there had been an improper intimacy between the two. There was not the slightest foundation for this. He, Clark, said he didn't think Wight was a bit too good for anything like that. He said he thought that it was singular that she should fancy Mr. Wight. There was nothing ever said by him that Henrietta should give him an explanation of his dismissal, at a future time. He asked for an explanation; she said she had no explanation to give him. After the marriage, in one conversation with me, Clark claimed that Henrietta loved him. I don't know that he attempted to account for the fact that while she loved him, she had married another.

The melodeon was brought back to our house after the marriage. He came to our house and said he had got to move the melodeon from Mr. Johnson's, for they were going to move. I asked him why he didn't move it to his store and let his sister have it. He said he didn't want to let her have it. She could not play on it. He said he wanted my youngest daughter to have it. I consented to have it brought back to our house after Mr. Wight had consented to have it. I can't tell exact-

ly when it was brought back. After it was brought back, he came there one evening with Mr. Munson and Mr. Moulthrop. My daughter was in the other room with her husband. She did not come into the room. He went into the room where they were and asked for something to fix his flute with, then immediately returned. He did not sit down. On all occasions after the marriage my daughter declined conversation with him. They never had any conversation, to any extent, after the marriage. He said he wanted to talk with her; but she refused to say anything at all to him.

*Examination resumed.*—During all the time from May, '52, to Jan. 1854, Mr. Clark gave to my daughter an accordeon, locket, bracelet and a few other little things. During this time, he wanted her to go to dancing school. He provided a teacher and wished her to attend. She went one quarter, and also took music lessons of Mr. Moulthrop. That is all, in the way of teaching, and of presents. While Wight boarded in the house with my daughter, Clark and Wight were friends. She never went out with Wight, unless Clark told her to; when he could not go. It was improper conduct on Clark's part that broke up the match. At one time, he had an improper paper or verses in his pocket. She asked what they were; he gave them to her; I saw them. They were vile. When he came back, he asked for them. They were given to him. I had them. He came another time with them in his pocket. She asked if they were the same ones. He said they were. She took them and burned them, saying they were not fit for any decent man to carry in his pocket.

Mr. CHAPMAN objected to these inquiries; he could not see to what this tended.

The ATTORNEY claimed a right to make them, to rebut the idea that a pure and holy affection on the part of Clark, had been fostered and then wantonly crushed by Miss Bogart or her parents, and to show that it was on account of his own bad practices, that Clark's suit was by them broken off.

Mr. CHAPMAN thought that the question had been argued by the ATTORNEY, simply as if this case was a case of breach of promise of marriage.

The COURT decided that the testimony should be admitted. Excepted to by Mr. CHAPMAN.

*Examination resumed.*—Clark said one evening, at our house, that he would knock Henrietta stiff. I heard it, from an adjoining room. It was not a great while before the engagement was broken off. He said, if ever you become my wife, and act as you do to-night, I'll knock you stiff. I judged he was angry by his tone of voice. After the engagement was broken off, the accordeon and bracelet were returned, and I then received a note from Clark. It is this one. [The ATTORNEY exhibited one, which the witness identified. The ATTORNEY proceeded to read the note. It was directed to Mrs. Bogart, and was as follows:]

*Mrs. Bogart:*—I know not how I could have been led to reproach Henrietta as I have done, and it seems as if the loss of her esteem would have been full

punishment for the grievous wrong I have done her. But inasmuch as she has felt called upon to thrust back upon me all the mementoes of my kindness, I cannot refuse them, except the bracelet, which being paid for by her, was not a gift of mine. So I humbly pray to be relieved from that.

With lasting esteem,

WILLARD CLARK.

He sent the bracelet back in this note. The engagement was never renewed. In none of my conversations with him after the engagement was broken off, did I design to have the engagement renewed, and I never said anything tending to induce that belief. The melodeon when brought back to the house after Wight had left her in March, '54, was received by me for my daughter Hester. Henrietta knew nothing of its coming, when Clark came with it the first time, or the second. The second time it was brought there, I objected to receiving it. When the engagement was broken off, he wanted a letter of dismissal. She gave him one. This is a copy of it. [A copy was exhibited by the ATTORNEY, which the witness identified. It is as follows:]

As you wish me either to marry you in a fortnight or else give you a note relinquishing all claims upon your attentions, I tell you candidly that I prefer the latter alternative, and I therefore release you from all obligations toward me.

She put her name to this letter of dismissal, which was given at the time of breaking the engagement.

*Cross Examination resumed.*—The locket which I said Clark gave her, had his daguerreotype in it. It was given the 4th of July, a year after he commenced calling at our house. That locket was returned after the engagement was broken off. The daguerreotype was not in the case. Nothing was substituted for it. It was taken out because she did not want it in. I don't know when it was taken out. She wore the case sometimes.

The ATTORNEY objected to this, as irrelevant. Testimony was admitted.

I do not recollect that Clark ever said anything to me about the daguerreotype being gone; he wanted hers, and she would not give it to him. This was soon after he gave her his. She said she didn't want to give it to him; she did not want that he should show her likeness to every young man that came into the store. When he said if you ever become my wife, and act as you have to-night, I will knock you stiff, I heard her say, if that is the case, Mr. Clark, I never will become your wife. This was shortly before the engagement was broken off. The note was not received within a week after this threat. Speaking in the note, of having been led to reproach her, had reference I suppose to this threat, and other things that had happened before. I don't recollect about the time of the note's receipt; it was after the engagement was broken off.

*Henrietta M. Wight, called and sworn.*—I was at my father's residence on the 28th of April, when Willard Clark came there. It was at 7 P. M. We were at tea. Myself, mother, sister and Mr. Wight, were in the back room. He said good evening. We remained there ten minutes before leaving. Mr. Wight, myself and my mother, got up and went into the front room. Clark followed us. My mother left the room.

Clark was walking the room. He walked across the room, looked through the glass door, and then stepped back and shot him. I saw him. I saw what he did it with. I do not know where he went after that. I went out on the back stoop, and don't remember any more. I was engaged to Clark from 1852 to 1854. It was broken off Jan. 1, 1854.

*Cross Examined.*—At the time the pistol was discharged, no one was in the room but myself, my husband and Mr. Clark. There was no conversation that evening between Mr. Wight and Mr. Clark. There was none in the front room between myself and Mr. Clark. Clark said nothing after he came into the house, except, good evening. He sat down in the back room, when he came in. He continued to sit there about ten minutes. I don't know whether Clark sat down in the front room. I did not speak to him at all that evening. I was in the front room before the act was committed, just time enough for Clark to walk the room three or four times. When the pistol was fired I was holding my little brother. He is  $3\frac{1}{2}$  years old. I was standing up. He was in my arms. My husband was tying up a bundle, stooping down. Clark was not very far from him. I saw Clark put the pistol to his head. I did not say anything. Another family occupied the same house. My father had just stepped over the door-sill, coming into the house, when he saw the flash. In our part of the house were my father, mother, sister, brother, husband, and Clark. My sister, 15 years old, was in the back room. Mr. Boutell's family was in the other part of the house. We cross the stoop to get to their part. Mrs. Boutell was there. I think her husband was there, but I don't recollect. Mrs. Atwater and her son were also in the house. They lived up stairs. Her daughter was there at the time. They three were there at the time of the transaction. Her son is a man grown. Mrs. Pearl lived in the next house. The houses are near together. I think Mrs. Allen lived in the house on the west side. It is not far off—some little distance.

*Isabella Bogart called and sworn.*—I am the sister of Mrs. Wight. I was at my father's house on the 28th of April, during Clark's second call. He came in the front door, passed through the hall door, and sat down in the back room by the door. Mr. and Mrs. Wight, my mother and myself, were in the room. He said good evening, to mother. Mother went into the front room, Mr. and Mrs. Wight followed her, and Mr. Clark followed them. I was in the back room standing by the table, in the middle of the room. I saw Clark step forward and look towards the back door. I was standing by a back window. He could see me. I stepped to the glass door, saw the flash, heard the report, and saw Mr. Wight on the floor. I went out on the piazza. I saw nothing of Clark. I observed him as he looked through the window. I stepped to the door as soon as he stepped back. I supposed he had gone to the store. Mr. Wight was lying on his right side, with his face toward the glass door. I saw no more of Mr. Clark.

*Cross Examined.*—When Clark looked through the glass door, I was standing by the table. There was no lamp lit in either front or back room. It was between daylight and dark. I could see from one part

of the room where I was, to another, and into the other one. I could see him, and he me, as he stepped to the door. I supposed he had gone home until he stepped to the door. I saw the flash immediately after I saw him at the door. I didn't see him when he went away. I went upon the back stoop immediately.

COURT adjourned.

*Wednesday Morning, September 19th.*

COURT opened at 9 o'clock.

*Horace Dibble called and sworn.*—I was passing the house about 7 o'clock in the evening. I heard the report of the pistol, which attracted my attention. Saw Clark come out of the front door. I stepped to the side gate. I stopped there a moment or so, and then passed into the yard. I met Mrs. Bogart. I went down after a policeman. I saw Clark after I got back with the policeman. I found the policeman at the corner of Chapel and High sts. I saw Clark when I came back with him, crossing York st. into his store. I went to the store, pointed out Clark to the policeman, and then came back to the house. When the pistol was fired, I was right between the two windows. When Clark came out, I did not speak with him. He went right down Chapel st. I did not hear Clark say anything about the affair.

*Cross Examined.*—It was between daylight and dark, when I was passing the house. I went into the side yard, a moment after the report. I heard screams. They grew louder and louder. Clark came out, and passed right by me as I stood at the gate. I made no inquiry of him. He was walking in an ordinary gait. Mrs. Bogart requested me to get some one to secure him. I went for any policeman that I could find. I found Mr. Lee Dunning, on the corner of High and Chapel sts. High street is the second street east of the house. I went with Dunning right up Chapel st. to York, and down York to Clark's store, on the corner of York and George sts. I saw Clark on the corner of York and George sts., by the school house, opposite his store. He was walking towards his store, just crossing the street, at his usual pace. He reached the store before we did. I did not go into the store, but saw him as I passed by the door, outside the counter. I was not within hearing, when Mr. Dunning spoke.

*Sherman W. Knevals called and sworn.*—I live in West Chapel st., north side, nearly opposite Mr. Bogart's. On the 28th of April, 1855, in the evening, just as it began to grow dark, I was at my front window, looking out, and my attention was drawn to a small crowd of persons on the opposite side of the street in front of Mr. Bogart's. I saw there was some trouble there, and I passed over. I found Mrs. Bogart there. I inquired of Mrs. Bogart what the matter was; she said there had been a murder committed in the house. She pointed to the room where the murder had been committed, and I went in. I went in at the front door, thence into the east front room. As I opened the door, the smoke of powder gushed out into my face. The first thing I saw was a man lying on the floor in an apparently dying state. I knelt down, and saw that he

was bleeding, passed out and went to my house, and called Dr. Pundersen, who was there. We came back together. There was nobody in the room. The doors were closed. The man I found there, was Richard Wight. I found wounds on him by the ear, and forward of the ear, on the left side of the head. He lay on his back when I saw him, with his feet to the east of the room.

*Charles Beers called and sworn.*—I live at 41 York street, 165 or 170 feet from Clark's store. There is no intervening building. I have known Clark seven or eight years. I know this pistol. I lent it to Willard Clark on the 28th day of April. He called at my house at 1 P. M. on that day, and inquired for William, my son. I told him he was down town. I asked him if he wanted to see him for anything in particular. He turned and came back, and asked if he had not a pistol. He said he had a cat that was half starved, around his store, and he wanted to shoot it. I told him William had two, a stub pistol and revolver. He said he wasn't acquainted with revolvers; would prefer the other. I went up stairs and got it. He tried the trigger, and wanted a bullet to fit it. I went up stairs to get it, and found some fitted to the revolver; smaller than this bore. He dropped one into the pistol. It was small, and he dropped it into the pistol and then turned it back into his hand. He said it was small, but he could put a paper around it.

I saw him again at my house about dusk. Mrs. Beers opened the door when he knocked. He said, here is your pistol. Mrs. Beers asked him if he had killed the cat. He said he had killed a two-legged cat instead of a four-legged one. My little daughter standing by, said he had killed a man. He asked if we had heard of it; said if we had not, we would to-morrow. He then went away.

*Cross Examined.*—My little daughter is twelve years old. He was standing at the door when she said he had killed a man. He said, if you have not heard of it, you will to-morrow. He went immediately out, without haste. He looked natural; I saw no unusual appearance in his face. He seemed to have a pleasant expression of countenance, rather than otherwise.

*Mrs. Elizabeth A. Beers called and sworn.*—I am the wife of the last witness. Clark called between the hours of twelve and one at our house, and asked if my son William was at home. Mr. Beers told him no, and he turned to go away. Mr. Beers asked him if he wanted anything particular of him. He turned back and asked if he had a pistol. Mr. Beers told him he had two. I said, do you want the revolver or small one? He said, there is a starved cat I want to kill about the store. I said I was sorry to have him kill even a cat. Mr. Beers said he had better kill it than have it starve. I went up stairs to get the pistols, found them on the mantel and took them both; got to the stairs with them, and Mr. Beers met me and told me that Willard wanted the small pistol, that he was not acquainted with the revolver. I came down with only the small pistol. Mr. Beers gave him the pistol. He snapped it and asked for bullets. Mr. Beers went up stairs and got some. Clark said they were small, but he could make them do by putting a paper round them.

At dusk he called, and I went to the door, when he opened it and said, here is your pistol, giving it to me. I asked if he had shot the cat. He said, I have shot a two-legged cat. My little daughter said, you have killed a man. He wanted to know if we had heard of what he had done. My little daughter said no. I passed to the entry and said, I suppose it will be in the papers to-morrow. He had a very pleasant countenance, smiling; I thought him joking; he turned and went away.

I have since seen him in the jail. I asked him what possessed him to do it. He said he felt that he had paid a debt that he owed.

*Cross Examined.*—The interview between me and the prisoner in the jail was in the middle of August.

*Susan E. S. Beers called and sworn.*—I was at home when Mr. Clark called for the pistol, but don't remember much about it. When he came back with it, mother went to the door, and he handed it back. She asked him if he had killed the cat. He said, I have killed a two-legged cat, instead of a four-legged one. I said, I'll bet you have been killing a man. He asked me if I had heard of what he had done. I gave no answer. I said what I did, before he asked me.

*Samuel Punderson, M. D., called and sworn.*—I saw Mr. Wight soon after he was wounded. He was lying on the floor, in the east front room. There was a wound on the right side of his head just above the ear. A small portion of the brain had escaped from the wound. I found the opposite side sound. Believing the case to be a fatal one, I requested that Dr. Knight be called in council. There was another wound on the back part of his head, probably caused by falling on a piano stool. When I first saw him, his breathing was very laborious; in a half hour it became easier. He lived from Saturday, April 28th, to May 1st, in the morning. At three o'clock that afternoon, Drs. Hubbard and Blakeslee assisted me in a *post mortem* examination. On removing the upper part of the cranium, a bullet dropped into a wash-bowl near me. It was this one. [The ball was produced by the Dr. and shown to the Jury.] The sound was heard by the others in the room. I attended him while he lived. He was not sensible. I believe the wound caused his death. I had a conversation with Clark in reference to the ball passing through the head. Wight had a good deal of hair on his head, and after the wound was found, Dr. Knight and I conversed with Clark, Saturday evening. He was agitated. He could not recollect whether Wight was standing or stooping when the pistol was fired. He said he thought he was a little behind him. He showed us the quantity of paper he put in as a wad. He appeared willing to tell what he knew.

*John Bradley called and sworn.*—That afternoon I was in Mr. William Dickerman's shop, opposite Clark's store. He came in. He asked Mr. Dickerman if he had any caps. He told him he had. He pointed to his coat. Clark went towards it. He then stepped back and said, these caps are thick. Mr. Dickerman said they were English, and asked what he was going to do. He said, to kill a cat. I said it was too bad, and he went off.

*Jonathan Knight, M. D., called and sworn.*—I was called to see Wight soon after the wound. Dr. Hubbard went with me. Wight was lying down. Dr. Punderson had found the wound. The skin was discolored, and the hair. Probing, I found that the bone was perforated. The probe passed in easily, three or four inches; then there was a little resistance. I withdrew it. He was entirely unconscious, manifested the common symptoms of a man whose brain had been severely injured. I saw him the next day. In the morning there was more sensibility. He spoke incoherently, and shrank from examination. Before I saw him there had been another wound discovered, possessing some interest from the fact that some thought the ball had turned and gone out. It was not so. I think he died in consequence of the wound. I saw Clark that evening at the jail with Dr. Punderson. He said the pistol was held nearly perpendicular to Wight's head. He said the pistol was four or six inches off his head. He said that after walking around the room, he went between him and the east side of the room, and the pistol was discharged from behind. He said there was a wad in the pistol. It was paper. He took a piece of newspaper and rolled it up, to show me how large it was. He said he didn't know how Wight fell. He said there was a music stool standing partly in front of the melodeon, on which he might have fallen. The legs might have inflicted the wound. He said that he could not tell what happened after the pistol was discharged. He said he was in a strange state. He thought he was there a long while, although he was told that he was there but a few minutes.

*Cross Examined.*—He seemed perfectly willing to tell me what he knew; he said he would tell me at once; he had no hesitation.

*William Dickerman called and sworn.*—Mr. Clark called on me the afternoon of the 28th of April. He inquired for percussion caps. I showed him where they were, in my pocket. He got them. He said they were heavy. I told him yes, they were English. I might have asked him what he was going to shoot. That was all.

*A. C. Blakeslee, M. D., called and sworn.*—I attended Wight the 28th of April. When I got there, I found Drs. Knight, Punderson and Hubbard. They had examined the wound. I concur with Dr. Knight's description of the wound. I was at the *post mortem* examination. I have no doubt that the wound produced his death.

*Martin Gunn called and sworn.*—I have known Clark for a year and a half or two years before the shooting. When I was with Dorus Clark he was often there, and I became acquainted with him. I saw him once at the jail, since the shooting. He wanted to know what public opinion was. I told him that public opinion was that he ought to be strung up; I told him I thought the same. I said, I will ask your opinion. He said, I don't care one damn what they do with me, as for myself; as for his friends' sake he had rather go to prison and stay. He said that he was damned glad that Wight was dead and out of the way. He said, Gunn, you know how it is with me. When I was in the store, if I had a good novel, reading it, and anybody came in and I didn't feel like

waiting on them, I would tell them to go to the devil. I think this conversation was about two months ago.

*Cross Examined.*—This was about sixty days ago. I was summoned, but have not thought much about it. I don't know but I might have communicated it to some one. I have told Dorus Clark a part of the story. I don't know when I told him, nor what part. I don't remember of telling any one else. All I know about it is that I was summoned. I went to the jail after milk; in the inside. Mr. Bryan hadn't got through milking, and said I might go inside. I wanted to see what was in there. I had no other object. I can't say whether or not I asked Mr. Bryan where Clark was confined. He let me in, and then I went where I chose. One man came to me in there, and asked me how business was, out. Clark was inside the cell; the door shut. His cell was upon the gallery. I went about the lower part of the prison, on the north side, before I went up. Clark's cell was on the other side, in the gallery. I saw Clark and recognized him. I spoke first. I don't know whether he was sitting up or lying down. I said, halloo, Willard. He said, halloo, you are the boy that used to stay at Dorus', ain't you? I says, that's so. I have related all the conversation that I remember. I have used the words which he used.

*Stephen G. Hubbard, M. D., called and sworn.*—Have not heard Dr. Knight's testimony. I attended the *post mortem* examination. My opinion is that Wight came to his death by a pistol shot. We found no traces of the wad. I saw Clark, in prison, a few days after the occurrence, the 3d day of May. He was then in conversation with Rev. Mr. Garfield. What he said, was, that he complained of having so many visitors, and that erroneous statements were put in the papers. He said he didn't suppose any one would justify him in what he had done to Wight, but that he had had his revenge and was satisfied.

*Cross Examined.*—I was not probably more than ten minutes at Clark's door. I was at the jail, professionally. I went up to see the man whom I had never seen. I asked him one or two questions. His remark was drawn out by a remark, either of mine or Mr. Garfield's, in relation to the state of public opinion, in regard to him. He asked what was said of him. I give Clark's language; it was as I have given it. He said nothing more on that subject. I left Mr. Garfield there, when I went away. I left, soon.

*Jesse Knevals called and sworn.*—I was at the jail in the morning, soon after Wight's death, and told Clark. It was a half hour after his death.

*Cross Examined.*—This was about 7 or 8 o'clock in the morning.

*Charles Berkley called and sworn.*—About the time I went up Chapel street, I saw them lead Clark to the jail. They said he had shot Wight. I went up to Mr. Bogart's house, found Wight on the floor. I staid there that night. I was there all the time until he died, except one night. He called for Lib., and for his father. He called the names of the company to which he belonged. He did not converse consciously.

*Eli H. Fenner called and sworn.*—I attended on Wight about 11

o'clock, Sunday A. M. I staid with him until he died, at 10 minutes past 8 Tuesday A. M. Monday night he was deranged, and we had hard work to keep him on the bed. Once called for water. He suffered greatly, as much as any man I ever saw. Sometimes during the time, Monday, he seemed to be counting over work.

*David Atwater called and sworn.*—I watched with Wight every night but one. His condition was such as Mr. Fenner has described. He was hardly conscious enough to suffer.

*Rev. J. M. Garfield called and sworn.*—I visited Clark several days. I was there on Monday. I continued to visit him for two weeks. He manifested no reserve in giving accounts of the shooting. I recollect the conversation referred to by Dr. Hubbard.

*Cross Examined.*—I was talking with Clark when Dr. Hubbard came in. I had been there an hour. I was in the cell with him between two and three hours. Clark said, as I think, he had owed Wight a debt and had paid it. I don't know whether Dr. Hubbard was there then. When Dr. Hubbard was there, I think Clark said he had got his revenge. I think that what Dr. Hubbard said, was exactly what Clark said. I cannot repeat it to the Jury. My object in visiting Clark was to converse with him about his own condition. I am a clergyman, in charge of a church.

The STATE here rested.

The PRISONER'S COUNSEL proceeded to introduce the

#### TESTIMONY FOR DEFENSE.

*Henrietta M. Bogart re-called, and cross examination resumed*—My daughter did not see either of the writings of Mr. Clark. I only read one word in the first writing, so as to remember it. I did read it over twice. Mr. Clark said to me then, twice, that my daughter was obviously unhappy; he told me, perhaps you don't understand the writing. He said he thought she liked him better than her husband, and that was the cause of her unhappiness. He spoke of improper intimacy between Henrietta and Wight, as the constraining cause of the marriage. He said he had a plan for the relief of the family. He proposed to have her leave her husband. I asked him what he meant by that, and what he meant by saying that she lived in such a state. I told him that she was married and lawfully married too. He wanted to know how I knew it, if I saw them married. I told him I did not. He said he had a relief for her. He did not propose to leave this plan to any judicious person. He told me what it was. It was to have her run away with him. There was nothing said about going west, or about her getting a divorce. He did not say that divorces were made in heaven. Nor have I said so to any one. He wanted to have her go and live with him. He didn't say where. Our family has friends in New Jersey. Nothing was said about her going there, with anybody, or for any purpose.

*Re-examined by the Attorney.*—This was my second conversation with Clark, after my daughter's marriage. It was a short time before Mr.

Wight was killed. I think no one was present. Clark was not in the house a great while. In response to my inquiry as to why my daughter was not legally married, he said she did not love Wight; he said that in the light of Heaven, such a marriage was nothing.

*Henrietta M. Wight re-called, and cross examination resumed.*—I was fourteen years old when I left going to school. It was in 1851. I knew Clark when I was twelve years old; have seen him frequently before that. It was not very often that I went into his store, on errands. He first began to show me attentions that attracted my observation, in 1852. He had shown me politeness before. He had called me into his store before this, sometimes when I was going to school. I never thought previous to 1852 he had attachment for me. Previous to 1852, he used to call with things occasionally, things purchased at his store. During the summer of 1852, he avowed his attachment to me. He commenced waiting on me 4th July, 1852. I went to Waterbury a day or two after the 4th, with Miss Barrows. I staid a week. Returned with Mr. Clark. He came up after me, remained there one night. He said he had business that way, and he would come and get me. He brought me home in the cars. Previous to this time, he had said nothing of an attachment for me. During this time, he wanted me to talk with him. It was at Waterbury. He wanted me to talk with him about an attachment. I told him I would not. I don't recollect whether he proposed marriage then. I declined to talk with him on the subject of marriage. I told him I should not talk with him.

In the course of the summer, Mr. Clark renewed his conversation on this subject. I told him I would ask mother. I did ask my mother. She said she had no objections if he loved me well enough, had a good character, and could support me as a man ought to support a wife. At the next interview I told him what mother said, and entered into an engagement of marriage. That engagement was broken off January 1, 1854. Soon after the engagement was entered into, Clark was rather fretful sometimes. It was some time before the engagement was broken off, that I made up my mind to break it. I don't recollect when I first told him that I had no attachment for him. I did tell him that I had no affection for him, some time before the engagement was broken. Don't remember saying that I never had any attachment for him. I told him frequently that I did not like him. He insisted on those occasions that I did love him, and told me that I must love him.

I first became acquainted with Wight when he lived in our house during the engagement. Once when I was walking with Clark, he was fretful because I didn't keep step with him. He was a little angry about it. He did not say that there was some mystery about the reason why I wouldn't keep step with him; he asked me why I would not. I could most generally keep step with him. I do not remember that he left me and went on the other side of the street, because I would not; nor did I. I do not remember more than this one instance.

COURT adjourned.

*Wednesday Afternoon, September 19th.*

COURT opened at 2 o'clock.

*Re-examined by the Attorney.*—The immediate occasion of the breaking off of my engagement with Mr. Clark, were the verses and his threatening to knock me stiff. When he threatened this, he had been attempting to take improper liberties with me, and because I refused to allow them, he was angry.

The ATTORNEY asked the witness whether he ever told her on this occasion that the Massachusetts girl allowed him to do anything he wanted to with her. Objected to by Mr. CHAPMAN, but allowed. Exception taken by the prisoner's counsel.

I do not recollect that he did at that time, state so. He did say so on another occasion. I said, recollect, sir, you cannot do anything you please with me. The engagement was broken off soon after. His exhibitions of ill temper and the circumstances just mentioned, were why I told him I did not love him, and why I broke off the engagement. I told him he was fault-finding. I suppose he occasionally called other girls into his store, besides me, when I was a little girl.

*Cross Examination resumed.*—It was a short time after these improprieties that the engagement was broken off. I am not positive that these improprieties occurred twice. If they did, the second was about the same time as the first. I had determined to break off this engagement long before this. I had hinted to him that I intended to. I don't recollect that he, on this occasion, disclaimed any intention of having improper intercourse with me; he did not say that he did not wish to have sexual intercourse with me; he did not say that he wished to commit me to the performance of my marriage contract.

The DEFENSE now proposed to introduce their depositions.

The ATTORNEY stated that certain portions of the depositions were inadmissible, but waived all objections. The depositions were then read, and are as follows, in answer to the interrogatories preceding them:

1. If you are acquainted with Willard Clark, when, where, how long and how well have you known him?

2. If you have been acquainted with him, what were his character and disposition when you knew him?

3. When he lived in Chicopee, did you know him to be seriously affected in any way by any circumstances? If so, please state as particularly as you can, what those circumstances were, when they occurred, what effect they produced upon him and how he appeared and acted after their occurrence.

4. Have you seen him within the last six months? If so, when did you so see him and how did he then appear?

*Deposition of Melville Duly.*—Melville Duly, of the town of Chicopee, in the County of Hampden and State of Massachusetts, being duly cautioned and sworn, doth in answer to the foregoing interrogatories depose and say as follows:

1. In answer to the first interrogatory he saith:

I am acquainted with Willard Clark. I first knew him in the fall of

1846, when he began to board with my brother, Joseph Duly. About two months after this, about the first of November, A. D. 1846, he came to board with me, continued to board with me till June, A. D. 1847, when he went to another boarding place for a while. Afterwards he came back to my house about 1st of August and staid with me until May, A. D. 1848. I knew him very well all this time.

This was at this town of Chicopee.

2. In answer to the second interrogatory he saith :

His character was in all respects good. He was the best disposed fellow I ever boarded. I never saw him in the slightest degree provoked or irritated all the time he boarded with me. He was very amiable and kind and peaceable. Every boarder in the house liked him.

3. In answer to the third interrogatory he saith :

He was seriously affected by a circumstance which happened while he boarded with me.

The particulars of the circumstance are as follows :

He became acquainted with a girl by the name of Almira Scott, in the winter of 1846, and became very much attached to her. He paid her a great deal of attention. She appeared to accept of his attentions. It was understood they were engaged to each other. They acted as though they were engaged, and courted as though they meant to have each other. Each appeared as though they were very much attached to each other. She boarded with my brother at the next door to my house.

She wanted to go home to Maine, in May, A. D. 1847, on a visit. She left some of her clothes behind in Chicopee—said she was going home on a visit and told when she would return. He, Clark, borrowed money of me to give her to go home with.

She did not come back at all, and word came from Maine in the latter part of the Summer that she was married. Clark heard the news of her marriage. He did not believe it, he said.

It affected Clark pretty bad—he was down-hearted and talked about it a good deal, but said he could not believe it, and was going to Maine to see if it was true.

In the fall of 1847, he went down to Maine. I let him have money to go with. He was gone a week or two, when he came back to my house. He was altogether changed when he came back—came in the beginning of the evening. He seemed disconsolate, and down-hearted—didn't eat any supper, and in the evening shed tears about the affair—said she was married. After that when the folks were gone to bed, he did not want to go to bed but walked the dining-room to and fro, and cried, and took on pretty hard. At last I coaxed him off to bed.

Frequently afterwards he would pace the room to and fro, silent and in thought. I used to ask him if he was worrying himself about that Scott girl, and he would say he was.

I would try to reason with him and called him all the fools in the world, and tell him there were as good fish in the sea as ever were caught, and try to get his mind off the matter, but it would do no good.

He would sometimes brighten up a minute or two and then relapse into his uneasy mood of mind. He used to sit and study away about something as though he had nothing else to do. He got a dress from my brother's house which belonged to Miss Scott and hung it up in his room, and kept it a long time—think it was there while he lived with us.

The boys used to laugh at him but he wouldn't let it go. The boys told him that he slept with the dress, and he said he had a right to. He did not seem to know half the time what he was about, after he returned from Maine. One Sunday he was fiddling dancing tunes, and I went up and told him he must not do that, and he said he was doing it to drive away trouble. Never appeared after the girl scrape as he did before—remained sad and cast down. He spent a great deal of time writing after he returned from Maine.

Before the news came of the girl's marriage, he was as cheerful and lively a man as I ever met.

I can say without hesitation that that affair with the Scott girl changed him very much. He was altogether a different man. Never recovered his spirits during his living here after this affair with the Scott girl.

At times he would talk freely and at other times he would not pretend to speak to any one, after this marriage of the Scott girl. He used after this disappointment, to jump up suddenly when he had been brooding over his troubles and rush back and forth in the room, and rub his head and sit down again, and in a few minutes jump up again and go through with the same movements. Was absent and thoughtful in his way and manner. He appeared about half out of his head.

#### 4. In answer to the fourth interrogatory he saith :

I saw him at Chicopee last March, the 19th day ; he came to my house. I came home about sun down and found Clark there. I sat and talked with Clark about two hours. I noticed immediately that his mind was wandering. I couldn't talk with him for he couldn't talk on any subject—he would skip from one thing to another. I could not stick him to anything. His mind was not steady. I saw something ailed him, and I said, "Clark, it seems to me as if you acted as though you were in trouble." He answered he was in trouble, but didn't tell me what the trouble was. I spoke to my wife about his wild wandering ways. When at breakfast he would look up and laugh about nothing, and acted wild and strange then, and all the time he was here. He staid in Chicopee three or four days. I saw him again here. He acted as if his mind was not right and I told Joseph Keene so at the time. He was gloomy and sad and appeared troubled in his mind. Part of the time he would answer my questions quick, and then at other times he would be in a study and not answer for a good while. There was evidently something heavy on his mind. He ate very little—used to be a hearty eater. He acted this time a good deal as he did after his disappointment with the Scott girl, cast down and pacing the house to and fro in a sad, gloomy, thinking manner. He did not act right when he was here last—acted very strangely.

MELVILLE DULY.

*Deposition of George Babcock.*—George Babcock, of the town of Chicopee, in the County of Hampden, and State of Massachusetts, being duly cautioned and sworn, doth in answer to the foregoing interrogatories, depose and say as follows:

1. In answer to the first interrogatory he saith:

I was acquainted with Willard Clark during his residence in Chicopee, in the years 1846, 1847 and 1848. I knew him intimately—boarded with him.

2. In answer to the second interrogatory he saith:

His character was good. His disposition was amiable, kind and peaceable. I never was acquainted with any one I liked better.

3. In answer to the third interrogatory he saith:

A circumstance occurred during his residence here, which seriously affected him. In the early part of his residence here, he became very earnestly attached to a girl of the name of Almira Scott. He said he was engaged to her. He and she were together most of the time, when not at work. They seemed very much attached to each other—courted pretty earnestly. She went to Maine on a visit in the spring of 1847. She left one of her dresses. Sometime after she had gone, news came that she was married. Clark heard the story and talked with me about it. He tried to have me go through Maine to see her, and find out why she had abandoned him, and wanted me to get some books he had given her. He offered to pay my expenses. I declined going. He didn't believe the story fully, until he went to Maine. The matter seemed to trouble him. I roomed with him, and that seemed to be his whole conversation. He concluded to go to Maine and went away. He came back in a week or two. He seemed to be very melancholy. He always after, so long as I boarded with him, seemed to have the matter constantly on his mind. I thought his disappointment injured him. He was always a changed man after it. He did not appear after it as he did before. He seemed to brood over it. He took a dress of her's and kept it in his room. And when he went away to another place took the dress with him. His mind seemed to be wandering away from the present, and he would sit engaged in thought without noticing anything. He acted strangely and wild, after his return from Maine. He used to start up frequently and pace the room hurriedly, and irregularly. He seemed oppressed and weighed down by these matters.

4. In answer to the fourth interrogatory he saith:

I saw him, Clark, last March, 19th or 20th, the first day he was here in Chicopee. Saw him three or four times during his stop here. He said he did not know but he should go to Maine and see Almira. He mentioned that he had a love affair in New Haven, and that the way the Scott girl served him was not a circumstance to the way he had been treated in New Haven. He was absent-minded; as soon as I stopped talking with him he would fall into a silent, thoughtful way and seemed buried in deep thought. He acted in the same way he did after his disappointment with Almira Scott. He was very different from what he used to

be when I knew him before the affair with Miss Scott. He used before that to be cheerful, gay and lively. Ever after, and when I saw him last he was sad, melancholy and cast down. His mind wandered from one thing to another in a confused manner, and did not seem capable of sticking to any subject any length of time.

GEORGE BABCOCK.

*Deposition of Olive Duly.*--Olive Duly, of the town of Chicopee, in the County of Hampden and State of Massachusetts, being duly cautioned and sworn, doth in answer to the foregoing interrogatories depose and say as follows:

1. In answer to the first interrogatory she saith:

I am acquainted with Willard Clark. I first knew him eight years ago last fall. He boarded with me about a year--am wife of Melville Duly. I went to Maine and left him here. I knew him in this town of Chicopee, was very well acquainted with him.

2. In answer to the second interrogatory she saith:

Mr. Clark was of a very kind and gentle disposition, generous and always peaceable and in all respects his character was good.

3. In answer to the third interrogatory she saith:

When he lived in Chicopee, he became very much attached to a girl by the name of Almira Scott, and the circumstances attending that attachment and its rupture, were the only circumstances I know of which seriously affected him during his residence here. He seemed to put his whole mind upon the girl. This attachment commenced in the fall of 1846. They were together a great deal through the fall and succeeding winter. The following spring she went home to Maine. Clark gave her money to go home with. She promised she would come back in a few weeks. She left some clothes behind. Clark remained with me. She did not come back as she agreed, and news came that she was married. This was common talk among the boarders. Clark heard the news. He would not believe the news, and went to Maine the next fall in order to ascertain if it was true. He came back in a week or ten days. When he returned he appeared as though he felt very bad indeed--was sad, despondent, appeared to feel as though he had lost all the friends he had. He walked the house as though he was in deep trouble and cried. His whole talk and conversation was about her and what had happened. His mind seemed wholly occupied with her.

All the time he boarded at our house afterwards, that seemed to be the uppermost thing in his mind. He was constantly speaking of her, and these circumstances. He never seemed after he returned from Maine as he did before. He was very much changed--was sad and despondent. He got a dress of her's and hung it up in his room to look at. We all laughed at Clark and talked to him and tried to persuade him not to keep it there, but it made no difference with him, he still retained the dress. He never appeared contented after he returned, or easy in any place, but seemed restless and disturbed. Always before his disappointment with this Miss Scott, he had been cheerful, contented and happy. These are the circumstances as nearly as I can recollect.

**4. In answer to the fourth interrogatory she saith :**

I have seen him within the last six months. He came to our house the 19th day of last March in the afternoon. He began to talk, and I immediately noticed he acted strange and did not act as he used to. He had not been there but a few moments when he said he did not know but it was best for him to go to Maine and see his folks. He used to refer to Miss Scott always as his folks. He said then if he could get a good girl to take back to New Haven with him he thought he should enjoy himself better than he had. He spoke of Miss Scott, and said his affair with her was nothing to the scrape that he had in New Haven. He was very singular. He laughed all the time a sort of a silly laugh, seemed forced. He appeared to be greatly troubled about something. My husband came in and in an hour or so Clark went away. He could not keep his mind on anything—he run from one thing to another without connection—was very absent minded. If he was told anything he would not remember it five minutes, but talk the same matter all over again, and ask the same questions over and over again. Couldn't keep still a moment but walked back and forth in the room constantly. We all noticed his strange behavior, and I spoke of it to my husband and the children. He staid about here from Monday till Wednesday or Thursday, and I saw him three or four times. He appeared in the same way each time—seemed in trouble. There was no kind of sense in his conversation. He ate at our house. He did not eat much. He used to eat a great deal before his trouble. During meals he would stretch back in his chair and laugh a great deal. He behaved so carelessly that I felt hurt for him as there were strangers at the table.

OLIVE DULY.

*Deposition of Margaret Getchell.*—Margaret Getchell, of the town of Chicopee, in the County of Hampden, and State of Massachusetts, being duly cautioned and sworn, doth in answer to the foregoing interrogatories, depose and say as follows :

**1. In answer to the first interrogatory she saith :**

I am acquainted with Willard Clark. I knew him about eight years ago; he boarded with me while he was away from Mr. Duly's several months, in the summer of 1847. I knew him in this town of Chicopee. Was very well acquainted with him; more acquainted than ordinarily am with boarders, as he was very familiar in his ways, and used to read to me and family, &c.

**2. In answer to the second interrogatory she saith :**

He was as kind, pleasant and peaceable a person as I ever knew; his character was good.

**3. In answer to the third interrogatory she saith :**

He was in love with a girl named Almira Scott. He used to talk to me a great deal about her, all the while he boarded with me. He seemed unhappy about her. He spoke of her being married, and of her having books and other things of his, and spoke of going to see her. Said he expected to have married her, when she went away from here.

When he talked of her he seemed sad. She seemed to occupy his mind and thoughts.

4. In answer to the fourth interrogatory she saith :

He, Clark, came to our house the 20th day of last March. He staid in Chicopee several days. During this time he called quite a number of times at my house. Stopped over night at my house once. I noticed he appeared singular and absent-minded. He would sit looking down on the floor for some time, while anybody was talking with him, as if in a dead study, and then suddenly start. He would ask a question, and then sit and look down, and while he was being answered would suddenly look up as though he did not comprehend what was said to him. He walked the floor uneasily while in conversation. He did not fix his eye on me when talking, but looked down constantly. He spoke about the Scott girl; said he thought of going down to Maine to see her; said, I suppose my folks at home won't expect me back under a fortnight or three weeks; said the Scott girl hadn't written him, and he hadn't heard from her since he left Maine. He appeared as though his mind was entirely occupied by some controlling subject.

MARGARET GETCHELL.

*Deposition of Caroline Getchell.*—Caroline Getchell, of the town of Chicopee, in the County of Hampden, and State of Massachusetts, being duly cautioned and sworn, doth in answer to the foregoing interrogatories depose and say as follows:

1. In answer to the first interrogatory she saith :

I know Willard Clark; knew him when he boarded with mother; but was so young I do not recollect much concerning him. I am now 17 years old.

2. In answer to the second interrogatory she saith :

That she is unable to say, as she does not recollect.

3. In answer to the third interrogatory she saith :

That she is not aware of such circumstances, as she was too young to remember what happened.

4. In answer to the fourth interrogatory she saith :

I saw him in this town of Chicopee the 20th of last March, at my mother's, in the evening. Margaret Getchell is my mother. He went to a dance with me that night. I noticed that he was strange and absent-minded at the dance; he would ask me who such a person was, and then forget he had asked me, and when I answered his questions would inquire who, what, and which I meant, &c. He urged me and my sister very hard to go down to New Haven, and said he would take us to a dance there, which I thought strange, as I was a stranger to him. He appeared sober and sad at the dance. When talking didn't seem to recollect what was said. Danced several times. Noticed at mother's house that he was absent, strange, and peculiar. I staid at home one afternoon when he was there, and he made no conversation, only to answer my questions, but seemed to be thinking all the time. I thought he was a very queer fellow.

CAROLINE C. GETCHELL.

*Deposition of Eunice Getchell.*—Eunice Getchell, of the town of Chicopee, in the County of Hampden, and State of Massachusetts, being duly cautioned and sworn, doth in answer to the foregoing interrogatories depose and say as follows:

1. In answer to the first interrogatory she saith :  
That she cannot depose.
2. To the second interrogatory she saith :  
She is unable to depose.
3. To the third interrogatory the deponent saith nothing.
4. To the fourth interrogatory she saith in answer :

I saw him last March, on the 20th, in the evening, at my mother's house, in this town of Chicopee. I am daughter of Margaret Getchell. Went to a dance with him that evening. He appeared at the dance sober, as if in a deep study ; was uneasy : couldn't keep still between the figures, but would walk around the hall, and go out of the hall. Was very absent-minded. I thought he acted queer, and I did not say much to him. When at mother's he would sit silent for a long time, looking steadily on the floor, as if buried in deep thought. Appeared depressed and afflicted, and walked restlessly about. He acted, when talking, as though he did not understand what was said to him. He wandered about from one subject to another in his conversation. He came into the mill next day, after the dance, and said he wanted I should go down to New Haven and board at his house for a few weeks ; said he was keeping house ; his sister kept house for him. Said it was hard to be shut up in the mill. He urged me very hard to go. In the evening he asked me again to go. He made me a present in the morning of a five-dollar gold piece. Gave no reason for the present.

EUNICE GETCHELL.

*Deposition of Almira Philbrick.*—Almira Philbrick of the town of Chicopee, in the County of Hampden, and State of Massachusetts, being duly cautioned and sworn, doth in answer to the foregoing interrogatories depose and say as follows :

1, 2, 3. In answer to the first, second and third interrogatories the deponent saith nothing, as she knows nothing concerning said matters inquired of therein.

4. In answer to the fourth interrogatory she saith :

I saw him last March ; he called at the house of my brother-in-law, where I live, in Chicopee. He acted strangely. He walked about the room a great deal. In conversation his mind seemed unsteady. He would talk about something, and suddenly break in with something different. When he was talking he looked down a great deal, and seemed in a study. I can't tell well what induced me to think he was strange. I understand it, but don't know how to express his peculiar actions. It would be difficult for language to express the peculiarities and strangeness of his ways and manner. Spoke of Almira Scott ; said he would like to see her ; said he had been treated worse, since, than she treated him. Appeared sad, and looked down when he said this. Said when

he left New Haven he did not know but if Mr. Thomas Brown would go with him, he would go to California. Said his folks would not expect him back for two or three weeks. Said he had property there in New Haven, but not near as much as he should have had if he had had some one to care for besides himself; but he had no one to accumulate property for. Saw him same place next day. He asked me to go to dance. I told him I couldn't. He urged me very hard. Told him I didn't dance. He said he did not care for that; he wanted to go to the ball to take up his attention and see if he couldn't be happier. He said he should call again for me. Day after the ball he came again to the house; was there at dinner. Appeared in the same indefinable strange manner. Spoke of the dance; wanted I should come to New Haven, and go to some of the dances there. I had never seen him before this time in March.

ALMIRA PHILBRICK.

*Deposition of Joseph Keene.*—Joseph Keene, of Chicopee, in the County of Hampden, and State of Massachusetts, being duly cautioned and sworn, doth in answer to the foregoing interrogatories depose and say as follows :

1. In answer to the first interrogatory he saith :

I did not become acquainted with Clark until the Spring of 1848, and from that time till he left Chicopee, I boarded with him, and knew him well. This was in Chicopee.

2. In answer to the second interrogatory he saith :

His character, so far as I know, was good. His disposition was kind, gentle, and amiable.

3. In answer to the third interrogatory he saith :

Of my own knowledge I can say nothing concerning the matters inquired of.

4. In answer to the fourth interrogatory he saith :

I saw him here last March, on the 19th; was here several days in Chicopee. He seemed very melancholy, and as if in a study; more so than when I boarded with him. In his conversation he would change about in a singular way from one subject to another. Didn't seem able to fix his mind on any subject. He would ask me a question about something, and then change the subject, without giving me time to answer. He seemed very different from what he used to be. I couldn't but notice how strange he acted. I suspected at the time that he was not right, and that something was on his mind, and I remarked it to Mr. Duly. Once, while he was here, we breakfasted together. He didn't eat much, but sat at the table after all the rest were through, apparently thinking about something, eating little and saying little. When he was about to leave Chicopee, I asked him to call and see me whenever he came to Chicopee. He said in answer, you will probably never see me again, and went away, and I saw no more of him. On the whole I thought his appearance very different from what it had been formerly, but I knew no reason for the change. It is difficult for me to

find language to express the difference and explain the change; but I saw it very distinctly.

JOSEPH S. KEENE.

*Deposition of William Dickinson.*—William Dickinson, of the town of Chicopee, in Hampden County, and State of Massachusetts, being duly cautioned and sworn, doth in answer to the foregoing interrogatories depose and say as follows:

1, 2, 3. In answer to the first, second and third interrogatories he saith that he knows nothing of the matters inquired of therein.

4. In answer to the fourth interrogatory he saith:

I saw him, Clark, at Chicopee about the 20th of last March, at the Cabot House. He was there two or three days. I live at said house. He was a stranger to me; but I couldn't help notice he appeared singularly. He appeared wild. His talk was confused and incoherent. He would be talking with some person about a particular subject, and in the midst of the conversation would dart off to another entirely dissimilar topic. He did not seem to have his mind fixed on any subject he was speaking upon, but rapidly wandered from one thing to another. At times he would sit silent for a long time, apparently in deep thought. He appeared abstracted and absent-minded. Sometimes, when in conversation he would pay attention to what others were saying, and then at other times would not seem to mind what was said to him. I thought he was deranged from all I saw. From his actions, ways and appearance he seemed to me not to be in his right mind. He acted very singularly, but I am unable to find language to explain his peculiar expressions of face and look, and his singular ways and actions, which induced me to think him insane. But his ways, appearance, looks and actions irresistibly forced me to that belief.

WILLIAM H. DICKINSON.

*Deposition of James E. Hosly.*—James E. Hosly, of the town of Chicopee, in the County of Hampden, and State of Massachusetts, being duly cautioned and sworn, doth in answer to the foregoing interrogatories depose and say as follows:

1. In answer to the first interrogatory he saith:

I was acquainted with Clark eight years ago this coming fall—knew him when he came back from Maine—was at the house that night—did not know him before only by sight. Knew him at Mr. Duly's in Chicopee. Knew him during his stay after the time of his return from Maine. Was very intimately acquainted with him—was in his room a good deal and he in mine. I boarded also at Mr. Duly's.

2. In answer to the second interrogatory he saith:

Clark was a first-rate man, as mild, gentle, good hearted man as ever I got acquainted with. His character was good.

3. In answer to the third interrogatory he saith:

I was at the house of Mr. Duly and he came back from a journey to Maine, where he had been to see a Miss Scott, who was reported

married. He said when he came back that she was married. The circumstances of her marriage seemed to affect him very seriously. He appeared to feel very bad when he came back. His talk was about her. At times he would cry like a child and then he would get up and dance about and clap his hands and appear chipper. Most of the time he appeared exceedingly afflicted about it. This state continued all the time until he left. He used to sit and brood over something until we would speak to him and laugh at him, and sometimes he would rouse up and laugh, and then at other times he would burst out crying. Used to see him in the mill-yard and mill, and he appeared the same as in the house. He appeared absent-minded, and seemed to me like a fellow love-cracked, or about half crazy, all the time. When we went into his room, as several of us boarders used to frequently, he always spoke of the Scott girl, and would say if she was there he could take comfort. He appeared discontented and uneasy. He would occasionally when talking, jump up suddenly, walk across the room and press his hands on his brow and look out of the window or somewhere, and then sit down again and talk a few moments and then start up again and go through with the same operations.

4. In answer to the fourth interrogatory he saith

He knows nothing of the matters inquired of therein.

JAMES E. HOSLY.

*Deposition of Hobert Beach.*—Hobert Beach, of the town of Chicopee, in the County of Hampden, and State of Massachusetts, being duly cautioned and sworn, doth depose and say in answer to the foregoing interrogatories as follows:

1. In answer to the first interrogatory he saith:

I knew Clark seven years ago last March and April—boarded with him three months—was quite well acquainted with him. It was in Chicopee.

2. In answer to the second interrogatory he saith:

His character was considered good—was a good-natured, pleasant man.

3. In answer to the third interrogatory he saith

That he knows nothing of the matters inquired of therein.

4. In answer to the fourth interrogatory he saith:

I saw him here last March—saw him several days—came about 19th of March. He appeared like a deranged man. He couldn't keep his seat while talking but paced the floor to and fro and would pass his hand over his brow when talking. He seemed absent-minded—did not appear to notice what was going on. When he sat reading the newspaper one day while at Chicopee last March, he suddenly jumped up, threw down the paper, and strode across the room very violently several times and then sat down, picked up the paper again and resumed his reading. This was at the Cabot House. While in the Cabot House, a Mr. Brown came in, whom Clark knew, and Clark did not speak to him. I asked him why he did not, and he said he did not

want to speak to any body, that he came up here on purpose not to speak to any body. His mind wandered about from one subject to another very rapidly, in a strange confused manner, and it seemed to me very unnaturally. He acted as though he was not in his right mind, and I told my wife so at the time, and also Mr. Dickinson. This all happened in Chicopee.

HOBERT BEACH.

*Deposition of Lovina Babcock.*—Mrs. Lovina Babcock, wife of George Babcock, of the town of Chicopee, County of Hampden, and State of Massachusetts, being duly cautioned and sworn, doth in answer to the foregoing interrogatories depose and say as follows :

1. In answer to the first interrogatory she saith :

I knew Clark when he lived in Chicopee, seven or eight years ago, and when he boarded at Mr. Melville Duly's—knew him about two years.

2. In answer to the second interrogatory she saith :

His character was good. His disposition was mild and amiable. He was a peaceable man in all respects.

3. In answer to the third interrogatory she saith :

He became attached to a young lady by the name of Almira Scott, with whom I was acquainted. He appeared to be very much attached to her. His mind seemed to be on her. He wanted to be in her company a great deal. They acted like young persons who were engaged to each other. She appeared to think a good deal of him, but not so much as he did of her. She went off to Maine on a visit—said she was coming back soon. She did not return and a report came that she was married. Can't tell how long after she left that this report came to Chicopee. Clark heard the news. He couldn't believe at first it was true, and didn't fully until he went down to Maine. Sometime after he said he should go to Maine, and went away. He was gone a week or two and returned. He appeared down-hearted about the matter. He felt very badly. He was a changed man after his return. He always appeared differently after this trouble. He used to be gloomy and melancholy after his return, but before this occurrence he had been lively and cheerful. He used to walk about a good deal in sort of thinking spells—was uneasy. His mind was upon her and he talked about her a good deal. He used to talk with all the boarders about her. His affair with her used to be his main topic of conversation. We boarders used to call Clark love-cracked. We used to laugh at him about the girl, but he would not be driven from the subject.

4. In answer to the fourth interrogatory she saith :

I saw Clark at Chicopee last March, about the 20th day of the month. He was here two or three days. He was at my house one afternoon and was in afterwards to dinner and after that to supper. He did not seem inclined to eat much. I thought he appeared rather singular. His mind appeared to be wandering. In conversation he was absent-minded, talking about one thing and before he got through he would

start on to another subject and then to another. Everything seemed mixed up in his head. He would sit in an abstracted manner, thinking and studying as though he had something on his mind. When conversing he would suddenly start from his seat and walk rapidly about the room and then sit down again and keep on talking. In conversation he seemed confused. He did not seem natural as he used to be when I knew him first.

LOVINA BABCOCK.

*Deposition of Frank Rendall.*—Frank Rendall, of the town of Chicopee, Hampden County, and State of Massachusetts, being duly cautioned and sworn, doth in answer to the foregoing interrogatories depose and say as follows:

1, 2, 3. In answer to the first interrogatory he says:

That he knew nothing of the matters inquired of therein, and also in regard to the second and third interrogatories.

4. In answer to the fourth interrogatory he saith:

I saw Clark at Chicopee last March, at the house of Mr. Babcock. He appeared to me like a man out of his head. I thought at the time he was singular and remarked so then. I remember of remarking at the time he was here, that Clark acted as though he were crazy. His head seemed to be full of women—talked a great deal about getting married. When talking on other topics, he would suddenly break off and talk about women—seemed absent-minded and confused in his ideas. He didn't appear to have but one idea and that was about women. He wanted I should assist him to find a woman to take back to New Haven—wanted to get married—said if he couldn't find a woman that he could marry right off, he should go to California and didn't care what did become of him. He was a perfect stranger to me previous to his coming here then. He talked freely about women to me—said he had had hard luck with them—said they were all true to him but things happened so that they married others, through luck. He would sit an hour or so and wouldn't mind at all if spoken to, and then all at once he would jump up as quick as you can snap your finger and rush about the room for half or three quarters of an hour and then sit down. He acted every way like a deranged man. I have seen a good deal of deranged and crazy persons, and from a comparison of his ways, actions and looks, with others deranged, I should give it my opinion unhesitatingly that when he was here he was a crazy man.

FRANK RENDALL.

The DEFENSE also put in depositions taken in the State of Maine, as follows, in answer to the interrogatories next following:

1. Did you ever know Willard Clark? If so, how well were you acquainted with him?

2. Do you know that he once made a visit to your neighborhood, in Maine? If so, state fully and particularly all that you know in relation to the time of that visit, the cause of that visit, his appearance, actions, conversation and behavior during that visit, and all other noticeable circumstances connected with that visit.

*Deposition of Timothy Spencer.*—I, Timothy Spencer, of Bradley, in the County of Penobscot, aged twenty-five years, depose and say in answer to the first interrogatory, by H. B. Garrison, Attorney to Willard Clark, in action State of Connecticut *vs.* him, as follows, viz:

1. My first and only acquaintance with Willard Clark, was in the last of August or first of September, 1847. I had been absent from home and on returning found him at my father's. He remained one night and part of the next day, only. Since which I have never seen him.

2. In answer to the second interrogatory, I depose and say, that Clark did come to my father's house in Bradley, in 1847, as near as I can now remember, about the last of August or first of September, of that year. Personally, I knew nothing of the cause or object of that visit, except that he was an acquaintance of my brother Andrew Spencer's wife, prior to her marriage. I was informed that their acquaintance commenced at the time she was at the factory, in Chicopee, Massachusetts. Her name was then Almira Scott. I was not much interested or pleased with his appearance, and I felt that he had no business to be there. I did not make very much talk with him. The day he left, observed him weeping and taking on sadly. He said nothing to me, nor I to him about the cause of his weeping, though I supposed I knew all about it, and that it was because Almira had married my brother. One circumstance in particular, I recollect. Almira, my brother's wife, and my mother, Mrs. Zilpha Spencer, told me they were fearful that Clark would kill himself, and they seemed quite alarmed and frightened lest he should kill himself, telling me that they saw him make motions with his knife across his throat, as though he would cut his throat, and they begged of me to buy or in some way get the knife from him. In consequence of what they said I did buy or in some way get the knife from him. As he was an entire stranger to me, I had no means of comparing his conversation or behavior at that time with his usual and prior conduct.

And further this deponent saith not.

TIMOTHY SPENCER.

*Deposition of Andrew Spencer.*—I, Andrew Spenceer, of Bradley, in the County of Penobscot, aged thirty-four years, depose and say, in answer to the first interrogatory, by H. B. Garrison, Attorney to Willard Clark, in action State of Connecticut *vs.* him, as follows, viz:

1. I first saw Mr. Clark in September, 1847. He came to the house of my father, where myself and wife were boarding, in Bradley. He was there somewhere from two to three days. I had never before known him, and have never seen him since, and of course could know very little about him.

2. In answer to the second interrogatory, I depose and say, that Mr. Clark did come to my father's house, in Bradley, in September, 1847. I do not know what particular object he had in view coming to Maine. I personally had very little talk with him. How he may have appeared

before, I, of course, know nothing. I thought he appeared somewhat green. I did not wish to make talk with him, and did not. I think, at the time he left, he wept. I saw tears flow. I did not think, at the time, judging from his looks and appearance, that he could not be over sixteen or eighteen years old.

And further this deponent saith not.

ANDREW SPENCER.

*Deposition of Zilpha Spencer.*—I, Zilpha Spencer, of Bradley, in the County of Penobscot, and State of Maine, aged fifty-three years, depose and say in answer to the first interrogatory of H. B. Harrison, Attorney to Willard Clark, in action State of Connecticut *vs.* him, as follows, viz:

1. I first saw Mr. Willard Clark in September, 1847. He then stayed at our house between two and three days and left, since which I have never seen him.

2. In answer to the second interrogatory, I depose and say, that Mr. Clark did come to our house in Bradley, in September, 1847. I recollect of going to the door myself. He inquired for Almira Scott. I told him that she that was Almira Scott, was now married to my son. He said he should like to see her, and I asked him in. This was not long before dinner, and we asked him to stop to dinner. He stopped, and to my surprise stayed that night, and the next night, and left, I think the third day. I do not know what his particular object was in coming there. He pretended that he understood that she was going back to Chicopee and he wished to accompany her. I found that his staying was making a good deal of talk in the neighborhood, and my son appeared to feel bad about it, and I asked him at one time when alone, what it meant, and he replied that he got acquainted with Almira at the factory, and thought her an excellent girl, and he was very much pleased with her, and he wanted to call and see if she would not go back with him, and that he did not know till he came to her father's that she was married. After the first day I think my boys did not treat him politely at all, and gave him very decided intimations that he had better be away. I can scarcely tell why, but I remember that I did feel strangely at the young man's staying so long at our house. I saw him one day sharpening his knife, and the thought occurred to me, and yet, I hardly know why, that he might kill my son Andrew, and I felt anxious to have him leave. I know that Almira had very similar feelings, because we talked the subject over, and she told me about seeing him draw his knife across his throat, and that she feared he might kill himself. I can't say that I thought he was crazy, but he acted strangely—something like a love-sick man. I have no doubt from his appearance and what he said to me, that he was very much attached to Almira, and judging from his appearance, that he was very much disappointed. I remember of urging my son Timothy to get the knife away from him and he got it by some means. At the time he left, he had just before been talking with Andrew and Almira, and he went off weeping.

He asked several times, and was quite anxious to see Almira alone, but she declined and did not see him except in the presence of her husband, or some one of the family. He was apparently quite young, and a part of the time appeared well, but there were times that he looked sad and depressed, and the impression somehow, as I have before stated, fastened itself on my mind that he meant to do some mischief before he left. I really felt glad to have him go and was greatly relieved to have him out of the way; and further say not.

her  
ZILPHA X SPENCER.  
mark

*Attest,* N. WILSON.

*Deposition of Elkanah Scott.*—I, Elkanah Scott, of Orono, in the County of Penobscot, and State of Maine, aged seventy-two years, in answer to the first interrogatory, by H. B. Harrison, Attorney to Willard Clark, in the action State of Connecticut *vs.* him, depose and say as follows, viz:

1. I first saw Willard Clark in September, 1847, according to the best of my recollection. He came to my house in Orono, and inquired if Miss Almira Scott, who had been, the season before, at the factory in Chicopee, Massachusetts, was my daughter. I told him she was. He then asked me where she lived and if she was married. I told him she was married and lived in Bradley. After some minutes, he again asked to be directed the way to Bradley, and where he could find her. I directed him and he went away. I think at this time he did not stop at my house more than half an hour. A few days after, he returned. I recollect it was near or quite sundown, and he remained till late in the evening. I invited him to remain at my house all night—he declined and went away. Since that, I have never seen him.

2. In answer to the second interrogatory I depose and say, that said Clark came to my house, in September, 1847, as I have said in answer to the first interrogatory. Previous to this visit I had never seen him, and knew nothing of him. Of the object of his visit I knew nothing, except what he told me himself, and what I subsequently learned from my daughter. I recollect, when I told him Almira was married, he expressed great surprise and remarked that he had heard such a report, but would not believe it, and when I assured him it was really so, he stopped some minutes and expressed great astonishment and seemed quite overcome. His appearance struck me then as quite singular and strange, and made the more impression upon my mind, because I had never known of any intimacy between them. I had heard a rumor by some of my daughter's female acquaintances, who had been at Chicopee with her, that she was going to be married to a man by the name of Clark, but inasmuch as my daughter had returned and said nothing to me upon the subject it had entirely passed from my mind. My daughter went to Chicopee in 1846, I think, and was absent in all not far from nine months, and when she returned home, she contemplated going back to the factory, but subsequently gave up the idea and did not go back.

Upon the return of Clark from Bradley, he told me that he had seen Almira, and went into many particulars, as to his intentions to have married her and how disappointed he felt in finding her really married, but added he did not know as he ought to blame her, because he had not himself done as he agreed—that he ought to have seen or written her before, but was detained or prevented by the sickness of a brother, as he said. At times he appeared quite overcome and wept fitfully. I pitied the young man very much, and well recollect the impression his conversation and whole appearance made upon my mind. I remember of telling my wife, after he left, that I should not be a mite surprised if Clark killed himself. He certainly talked and acted strangely. I am satisfied from the statement of both Clark and my daughter, that my daughter was too hasty and that at the time she came home and a long time after, she fully expected to marry Clark, and he must have felt the disappointment very keenly. When he went away he was very anxious to have me write him. I told him I would, but never did. If she did not get along well or wanted for anything, he wished me to promise to let him know and he would send her money. Some three or four weeks after he left, I received a letter from him, which I handed over to my daughter, and she says she destroyed it. I do not remember the words, but I felt surprised at the contents. No honest, sane man ought so to write to any person. From that time, until quite recently, I had heard nothing about him.

And further this deponent saith not.

ELKANAH <sup>his</sup> × SCOTT.  
mark

Attest, N. WILSON.

To the next deponent the following interrogatories were put, and she made answer as follows thereafter :

1. Were you acquainted with Willard Clark when he lived in Chicopee? If so, when, how long, and how intimately did you know him there?
2. What were his character and disposition when you knew him in Chicopee?
3. When did you leave Chicopee, and return home to Maine?
4. How soon after you went to Maine did you see him again?
5. Please state fully and particularly, so far as you know them, all the circumstances which led him to visit Maine, and all the circumstances connected with that visit, and all noticeable circumstances which followed that visit. State also minutely how he appeared, talked and acted during that visit.

*Deposition of Almira Spencer.*—I, Almira Spencer, of Bradley, in the County of Penobscot, and State of Maine, aged twenty-seven years, depose and say, in answer to the first interrogatory of H. B. Harrison, Attorney to Willard Clark, in action State of Connecticut *vs.* him, as follows, viz :

1. I was acquainted with Willard Clark when he lived at Chicopee, Mass. I went to Chicopee in August, 1846, and left there to visit my friends in Orono, the last day of April, 1847. I think I first became acquainted with Mr. Clark in November, 1846. At that time we boarded at the same place—of course we saw each other every day. After a month

or two we became quite intimate, and I kept company with him until the time of my leaving Chicopee, and continued to correspond with him after my return.

2. In answer to the second interrogatory I depose and say, that so far as my acquaintance, his character was unexceptionable and good. I never saw or had the least occasion to think his disposition was other than amiable and good. He was very cheerful, and seemed pleasant and agreeable.

3. In answer to the third interrogatory I depose and say, that I returned home to Maine the last of April, 1847, and think I reached my home the first day of May.

4. In answer to the fourth interrogatory I depose and say, that I did not see Mr. Clark again until September, 1847, at which time he came to the house of my husband's father in Bradley, where I was then boarding.

5. In answer to the fifth interrogatory I depose and say, that I have reason to believe the object of Mr. Clark's visit to Maine was to see me. He so told me. When I left Chicopee I fully intended to go back in about two weeks, and so promised Mr. Clark. But my health for a time was not very good, and after waiting some time I concluded I had better wait until the warm weather was over, and Mr. Clark wrote me and so advised. About the last of July of 1847, I received a letter from Chicopee, purporting to be, and as I then supposed, from Mr. Clark. This letter I did not like. It was wholly unlike anything I had ever before received from him, and I could not account for it, and I felt so provoked that I made no answer, and resolved to marry the first decent and respectable man who might offer himself to me; and I was married in less than three weeks after I first saw my present husband. I was married the 29th day of August, 1847. Subsequently, and only two days before I was married, but after I was published to Mr. Spencer, I received a letter from Mr. Clark of an entirely different character, and full of protestations of regard and fidelity, and when, too late, I learned that the offensive letter was intended as a joke upon me, and really written and sent by some of my old female acquaintances, and of which Mr. Clark was entirely ignorant. I had previous to the receipt of the forged letter entertained for Mr. Clark the highest regard, and confess I felt a sincere interest in him, and fully expected to marry him, and I had the best reasons for supposing he entertained similar sentiments towards me, and since the explanation have no doubt of his sincerity. His letters were kind, affectionate, and all I could ask of any man. He wrote a good letter. I have none of them now. I destroyed them all.

When he came to see me at Bradley and found I was really married, he seemed much affected. Said he had been so informed before he started, but he would not, and could not believe it, and he had come down on purpose to see me.

He expressed himself very anxious to see me alone, and repeated the request several times, but under the circumstances in which I was placed I did not think it best, as no good could result, and I declined,

and did not speak with, or hold any conversation with him, except in the presence of my husband or some one of the family. He remained at my husband's father's between two and three days, and a portion of the time he appeared very desponding and sad. He wept repeatedly, and when he left he appeared quite broken down, and it caused me much pain and anxiety to see him conduct and appear as he did. He seemed very sad and desponding. The day before he left I was sitting with my husband in the kitchen, and Mr. Clark was sitting in the front entry, but in such a position that I could see him plainly, though I did not think he saw me, and while there I saw him draw his penknife two or three times across his throat, as though he would cut his throat. This greatly alarmed me, and I thought the man must be crazy. Subsequently, and on the same day, my mother-in-law, Mrs. Zilpha Spencer, told me she saw him take his knife and draw it across his throat, just as if he was going to kill himself, and she was frightened, and mother and myself induced Timothy Spenceer to see if he could not, without being suspected, induce him to part with the knife, and he did get it from him in some way. He acted so strange and different from anything I had ever before seen or known of him, that I was frightened and did not know what he might be left to do. When he had left I felt greatly relieved, and I am sure I could not have believed that Mr. Clark, in so short a time, could have been so altered and changed. The conduct of Mr. Clark, and the distress of mind he manifested, gave me great pain, and I am sure I shall never forget the impression he left on my mind. He had been very kind and generous to me, and offered me, from time to time, many presents that I had declined; and at the time I went home he paid my expenses. And to meet him under the circumstances, and see him act and talk as he did at Bradley, I fully expected to hear that he had committed suicide, or that he would return and kill my husband or myself, and perhaps both. I can never forget the painful sensations of that visit.

After he returned to Chicopee he wrote to my father, and my father handed me the letter, and I destroyed it. But I never had any other communication from him, and have no recollection of hearing a word from him until quite recently. That letter to my father had some very strange expressions in it, and was grossly improper. The exact words I cannot now remember, but I well remember the impression it left on my mind, and that was, that he must be insane, or basely unprincipled. And further this deponent saith not.

ALMIRA SPENCER.

*John E. Lovell called and sworn.*—I knew Willard Clark when a boy. He went to the Lancasterian School, of which I am teacher. His character was excellent in all respects. He was kind and amiable, and has always had a pleasant place in my recollection. Since he left school I know little of him. He left more than twelve years ago. I don't know where he went.

*Dan S. Cooper called and sworn.*—I knew Willard Clark after he

left school. In 1844, I employed him three and a half months as a clerk, on State Street. Previous to that he lived with his mother. His character and disposition were good. He was kind and well behaved. He was very fond of reading. Until this affair, since he left, I have never known aught against him.

*Cross Examined.*—Since he left my store I have not had frequent intercourse with him. He must have come to my store about the first of July. Since he left he has been at my store, but I have had no business with him. The age of the prisoner is about twenty-seven.

*Judson Canfield called and sworn.*—I first knew Willard Clark six or seven years ago. He was a customer of mine in 1850. In October, 1850, I attached his property. He came down to the store in the afternoon and asked me if he could secure me on the goods in his store. I have had no particular acquaintance with deranged persons. He said he wanted to secure us on his debt to us; it was larger than all the rest; that his brother had got to leave him, and he (Clark) might, if there was any difficulty, kill him. I asked him if he knew the consequences. He said he did, he could not help it. I told him not to think of any such thing as that. He didn't make much reply. I remonstrated, but he gave no further reason. He gave this as the reason why he wished to secure me. After he left I talked with my partner; and in two or three hours after that gave my account to an officer, and he went and attached the store.

I thought this was a very strange thing, and so I thought best to secure myself. I thought by the sincerity of his appearance and other actions, that he was crazy. I supposed him to be solvent. His store has ever since been kept by himself. I don't recollect how long this conversation was. I think it was about half an hour in length.

*Cross Examined.*—I think Clark went into business in 1850. I don't know how long he had been in business at the time of the conversation. He was alone in the grocery business. He has never had a partner, to my knowledge. My charges were made to him entirely. I never knew the brother that he spoke of, or his name, or his situation in the store. He did not at that time state his name. He said he made cigars for him. I do not think I inquired what position his brother held in the store. I asked him what the difficulty was; he said he, the brother, had got to leave. I don't recollect that he stated anything more than this. I have told all that I can recollect that he said. I said he must not think of such a thing; he said he knew the law, but could not help it. He owed us \$225. I did not give this subject further consideration until after the attachment. Afterwards I told him I should never have taken the steps I had, if he hadn't talked so strangely that I thought him deranged. I thought he was, at the time. I did nothing more than to put my suit in progress. I told the officer that if he could secure the debt, he needn't shut him up. I thought he was either deranged, or talked strangely. I apprehended that he might do as he said. It was in the afternoon that he called on us. I got out a process that afternoon. He came to pay the debt within a week. He brought a man as security.

I accepted it, and withdrew the attachment. He did not trade with us again for two years. In 1852 he commenced again, and traded up to 1853. I don't know whether the brother continued with him. The thing has not been on my mind since. I did not ask him what brother it was. I believed if difficulty arose he would kill his brother, but not otherwise. I had no further conversation with him when he raised the attachment, about this matter. He said he did not blame me. I had no reason to issue the attachment, except the apprehension of losing my debt. I thought he did not talk like a sane man, to come and make these suggestions, and that if he had any difficulty, his property would all go.

*Rev. H. Croswell called and sworn.*—I have known Willard Clark about fifteen years. My first knowledge of him was when he was a boy. His mother, when dying, expressed a wish that he should be educated. Expressed a hope that he would be a minister. I thought he was fitted for it, and employed him as an agent, to aid him in this matter. I ascertained that he was a lad of a good deal of character. I knew him more or less down to this occurrence, (of homicide.) His disposition was kind and amiable. He had singular traits. He was exceedingly sensitive to what he thought a wrong.

*Cross Examined.*—The effect of a wrong was not to exasperate, but to depress him. I had him as agent for three years; I was in almost daily contact with him. Since then I have not had much business with him; not much conversation. He became a communicant of the church in 1842. He left, and has not communed with the church of which I am pastor for several years. He was subject to these turns of depression, but I never saw any temper in him that gave me any uneasiness.

*Mrs. Lucy Dewey called and sworn.*—I am a sister of the prisoner. Willard was fifteen when I went to Illinois. I returned seven years ago. I have been here and in Westville since. He returned from Chicopee to New Haven in the fall of 1848. He was then clerk in Mr. Parmalee's store, for about a year. This was the store he afterwards occupied. He has boarded himself from that time until this occurrence. He had boarded with Mr. Parmalee. While he lived alone, he used to cook for himself, or sometimes his brother or brothers, who were with him, cooked some. I go out nursing. I went to live with him in July, 1854. Thence I was absent occasionally. In September, 1854, in October, 1854, in December, 1854, in January, 1855, and in March, I was gone parts of the time. At times he appeared melancholy. I saw him several times when I thought he had been crying. I spoke to him about it. This was all through the time I was there. In the winter, in January and February, I first noticed the weeping, but noticed the melancholy before then. When I first went there, he slept up stairs in a back room. He changed his place, and lay on the sofa in a front chamber, in January. He wouldn't take his clothes off. I asked him why he didn't, and go to bed, he would rest so much better. He said there was no use in it, for he could not sleep if he went to bed. I went away a week before the homicide, and he slept in this way until about

that time. When I came home in March, I had heard that this girl was married, and asked him how he felt in view of it ; told him I hoped he would not commit suicide. He said he didn't know but he should, burst into tears, and went away. Another time, he came into my room and looked as if he had been crying. I said he had, and he said he believed he had a right to cry. This crying was the 17th of March. He went to Springfield on the 19th.

In the afternoon of the 17th, he came up and looked wild, and asked me if when people died they didn't sometimes put a black cloth on the table. I asked him what he meant ; if he expected to die. He laughed and looked very silly. I had seen that laugh before, occasionally. I saw it after this. I saw him cry the next Sunday morning, before breakfast, at seven or eight o'clock ; he was walking the room. I talked with him. I told him I didn't think he was competent to attend to his business ; that I would write and have my brother George come from Illinois to attend to it. He said I could do as I had a mind to, but he would not come. The next Monday morning he was crying. He said he didn't think he should live long, and talked about suicide. I asked him why ; told him I didn't see why he shouldn't enjoy himself as well as any young man. He said he didn't suppose I could see. The morning he was going away, I asked him where ; he said he didn't think he should go further than Boston. I told him I didn't think he knew where he was going. I was worried. I couldn't eat or sleep any while he was gone. He was gone from Monday to Thursday. It was very chilly and he didn't take his overcoat. When he came back he appeared wild. I asked him if he felt better than he did before ; he said no, he didn't know as he did. It was after he came back that he walked in the woods. One day, about two weeks after he came back, he left the store and was gone two hours ; when he came back, he came up stairs, burst out crying, and said, I cannot stay here. He wanted me to sit down and talk with him. He said, I want to talk to you, Lucy. He wanted to know if it would make any difference with me if he went away, saying he could not stay there. I told him it would not, it would do him good, he had better go to Illinois and visit his brother and sister. He said he heard that I cried while he was gone to Chicopee, because I thought he was going away. I said it was not for that, but because I was so anxious for him. He said, if I go away, you probably will never hear from me again. He cried like a child. The tears were rolling down his cheeks. He called Mr. Walter Barnett up stairs and told him he was ready to sell out to him ; he told Walter Barnett that he would want him to help him take an inventory of his things. One day I told him he needed some new clothes to wear every day ; he had no pride about himself ; he stared at me, looked wild, said he did not know as he did, said he did not know as it was best to get any, for he didn't know as he should live long. I asked him why he talked so ; if he was prepared to die. He only looked silly and foolish. One day he was crying, and I said how can you feel so, Willard ? He said his feelings were nothing in comparison with hers. This was in April. I told

him I should think she would show it sometimes; he said she could conceal her feelings better than he could. He said she was too proud—that no one would know that she cared anything about him. I told him that wasn't rational. One day when he was crying and walking, in April, I said, how can you feel so, Willard? He said, how should you feel to have your boy with a person who was going to be tyrannical over him all the days of his life. I asked him if he thought Wight was tyrannical; he said he thought he was. I told him that was a strange idea. He didn't say anything. He used to come up stairs often in the daytime, sometimes in the evening, sit down and hold his head. I asked him if his head ached; he said it did, but it was no matter. He made complaints about his head. I did not notice it until along through April. I noticed it much during April. It grew upon him. I asked him then if he didn't wish to live; he said, what do I wish to, for? Three weeks before I finally went away, one evening, he came up and lay down on the sofa, and seemed to feel very wild. He shifted his head from one place to another, and rolled up his eyes. Mrs. Collins was there. She said, are you sick or are you crazy? He didn't answer for some time, and then said, they are trying to roast me. He then jumped up and ran down stairs. I do not know of any other cause for this grief except this girl; he spent much of the time up stairs; he walked the room, crying; he asked me once if I didn't know that he knew more than anybody else. I told him I was not aware of it; he went down stairs and then came up, and I asked him what he meant; he made no answer, but looked silly. This was two weeks before I went away. His natural disposition was kind; he always appeared good to his brothers; I never had any reason to think otherwise.

*Cross Examined.*—My husband is not alive. I have three brothers, George and Willard and Elmer. I was not at my brother's place when it was attached. I don't know what brother was living with him then. I have not had occasion to refresh my memory in regard to the occurrences since I went to live with my brother. I do not keep a diary, or journal. I tell these circumstances here from my simple memory. My other brothers did not live in town while I lived with Willard. One of them has been here lately. No one of them was here in January. I took no family of my own to the house. There was a cousin of mine there a portion of the time. She came in October. Her name is Nichols. She had no husband.

There were two rooms in the upper part of the building. We occupied them together. I do not occupy them now. I left there a week before this occurrence. Mrs. Collins lived in the house. She occupied a brick part, up stairs and down stairs. She was there when I went there, and still continues. Her family, self, husband and three sons are with her. My brother occupied part of the lower part of the house for his store. He had a clerk there four weeks, this spring. I should think about the first of April. It was Mr. Kent. Before this, he had no man. He was a grocer. He delivered goods from his store. He had no one to stay with him while I was there. Mr. Kent and Mr. Barnett

had charge of the store while he went to Chicopee. My brother did not tell how long he was to be gone. He said he didn't know. He did not tell me that he was going to Chicopee. He went away at 19 A. M. He took no trunk. Barnett was there when he went out. Mr. Harrison was asking me questions about these cryings and I remembered them, of course. I have had nothing else to do this summer but to remember. This is since the event. I have had no conversations with my brother about these things.

These cryings were early in the morning, when he got up, and at all times during the day. While my brother was up stairs, Mr. Kent would be in the store. Once when he was up stairs, and somebody was in the store, I asked him why he didn't attend to them, if he didn't want customer; he said he had enough, folks could go to other stores.

He opened his store between six and seven, and closed it at eight in the winter, and nine in the summer. I spoke to Mrs. Nichols about my brother. He had a pretty good trade at his store. I don't know why I spoke about Wight to him. He had said nothing about him. I asked him if he knew him. He said he did. He said he didn't know but he was a clever man. This was in April. This was all I ever heard him say about Wight. I asked him if he thought Wight was tyrannical. He said yes. I had then heard that Wight had married the girl. It was Thursday noon when he got home from Boston. He looked wild. I told nobody.

COURT adjourned.

*Thursday Morning, September 20th.*

COURT opened at 9 o'clock.

*William Hull called and sworn.*—I know Willard Clark. I was with him about two weeks previous to this transaction. Noticed something strange about him. He was at my store in Fleet Street. He appeared strange. He appeared lost to himself, didn't seem to be settled in his mind. Sperry and I spoke of it at the time. When he started out, he went off of a sudden; when he went away, he went first one way, and then another. The young man in the store was Mr. Sperry, now in Illinois. I have never known anything against Clark.

*Cross Examined.*—He came about eight and a half, to buy hams. He bought about the usual purchase. He was in the store about three minutes. Did not pay for the articles. He was on foot. The hams were not weighed out while he was there. I did not say anything about it outside, until after this transaction. I noticed nothing particular, but noticed that his manner was different from what I ever saw it before.

*Mrs. Mary Collins called and sworn.*—I occupied and do occupy a part of the building formerly occupied by Clark. I remember the occasion referred to by Mrs. Dewey. I went up into her room in the evening. Her brother was on the sofa. He was uneasy. He rolled his head about considerable. Asked him what was the matter with him, if

he was sick or crazy. His sister answered and said, he is love sick. I said, is it so, Willard? He got up immediately, and went down stairs. He said they are trying to roast me. He waited some seconds before he made this remark. His countenance looked red. His eyes looked wild. This was the forepart of March. I remember quizzing him about a hat. I was passing through the store about the middle of March. He was walking the store with an old hat on his head. I asked him where he got it. He appeared to be crying; I thought he had tears in his eyes; he stared at me and made no answer. I have seen him a number of times in March, when I thought he had been crying; his eyes and face were red. I have no doubt he had been crying. I should think I had seen traces of his crying previous to March, should think about the last of February. I did not notice their indications in April. I had not occasion to go often into the store. During the two or three months prior to this transaction he appeared like a person in deep thought. I think he had a peculiar laugh while he appeared despondent. I don't remember seeing him laugh until the last part of the time, in this way, and never much at all, before. I saw this when I heard his sister speak to him. This laugh was usual with him when spoken to during this time.

*Cross Examined.*—My husband's name is Friend B. Collins. I may not have noted all the peculiar conduct and circumstances I saw. I spoke of them at the time to my husband and family. I don't recollect that I spoke to others. I spoke to a gentleman who was in, the Sunday morning after the affair. I told my husband of them when they occurred. The gentleman was Sylvester Smith. I was passing through the store when the hat was on his head. It was eight in the evening when he was on the sofa in his room. I was in the room fifteen minutes. He left the room before I did. I went down soon after. He was rolling his head and shifting his position. I didn't ask him who was trying to roast him. His sister asked him if his head felt bad. He said it was no matter. There was a little fire in the room. The outside door was open, and it was quite chilly. I did not ask him about the roasting, because I never had much conversation with him. I also supposed that he didn't want to converse. He did not attend to his business all the time, then. His store was open daily most of the time. He would shut it up at times, and go away. He had no clerk, as I know of. I don't know whether Kent was a clerk or partner. Kent might have been there three or four weeks. I have waited upon myself and seen other people. I would ask him for things and he would not get them. I paid for them myself. He didn't seem to know whether the change was right.

I lived there three years. I never knew of his quarreling; I never said so; I knew better. I never said that Willard and his brother quarreled. It was another brother that quarreled. It was a brother by the name of Elmer, that was deranged. He quarreled with another brother, now dead. That was Henry. He died of yellow fever, I think, two years ago, at the South. He was there sometimes two or three

weeks, then would go. Elmer lived there two years while I was there. He made cigars.

*Frederick P. Gorham called and sworn.*—I have known Willard Clark six or seven years. Since he was in the store there. His character was good. During this last spring I noticed things peculiar about him. He seemed to be indifferent about his business. Had a lost, absent way. At times he was cheerful. This was early in the spring, two days previous to the affair. I don't think I went into the store after that. I thought that he didn't want customers in there, when I was last there. He acted so strangely that I told my family that I should not go in there. At six in the morning I went there. He was there, seemingly in a deep study. I said twice that I was surprised to see him there so early. He turned with a stern expression of eye, he looked for a moment, and then seemed to come out of a dream, as it were, and said something about his clerk, having no connection with what I had said.

*Cross Examined.*—I was in the store two or three times a day, generally, for the last six years. I frequently stopped there to converse. I think I have mentioned all the peculiarities in his manner. There was sometimes a wildness in his manner. Sometimes he gave me foreign answers. I cannot explain more than I have. It appeared early in the spring. I cannot say when I first saw it. It was not as far back as January, I should think. I have given all the particular incidents of this interview; I cannot designate any other. He acted unusually strange at that time, and generally, through the spring. I never conversed with him about it, or suggested that he appeared strangely. I did suggest to him that he might increase business by increased attention. He had a clerk there, a short time, Kent. He had a lad there quite a spell, during the last two years. I hardly expected to find Clark's store open that morning. I had noticed for a week or two that the store was open early, and Kent there. When I spoke to him he finally made some remark about Kent, unintelligibly; he talked in an incoherent sort of a way, very wildly, and muttered to himself. I was in the store three or four minutes. He did not give an intelligible answer.

*A. C. Chamberlain called and sworn.*—I have known Willard Clark two or three years, not particularly. I saw him frequently before this transaction. I did not notice things very strange. I did notice one or two things. I did not trade there much. I don't know when it was, but a lady had purchased a sofa of me for that house. I called for the pay for it, and there was something about his manner which struck my attention. His face was white. His manner was peculiar when he took out the money. Another time I was in the store, and called for something. He went into his small office, and seemed to forget it. I looked in, and he said, O, I'll get it. He seemed to be standing still. This was, I think, before the sofa occasion. I was not in often. I could not get things early in the morning at that place; the store was not open.

*Cross Examined.*—I live a square and a quarter from his store. There was none nearer my house. The store has not been open in the morning for some little time past. This lateness was a recent thing. I can't

say when it began. I had seen children there waiting at the door to get in. Latterly I may have been there once a week. I have stated all the peculiar circumstances that attracted my attention, except his general inattention to business. These two instances were about all. These circumstances, as affecting his state of mind, I thought of after this transaction. The bill for the sofa was about twenty dollars. I think no one was present. He said nothing peculiar; it was the expression, the look and manner. He paid me the money. I was not in the store long. Don't recollect what hour of the day it was. I can't tell when I first mentioned these circumstances. I mentioned them to Mr. Harrison, I think last week.

*Examination resumed.*—The sofa was bought two or three weeks before it was paid for.

*John F. Chatterton called and sworn.*—Last of March I saw Willard Clark at his store. I said to him, Clark, is the adjoining tenement to rent? He made no reply, but turned his back. It was unusual; I had been intimately acquainted, and previously he had been social. The tenement was the one in which Mrs. Collins lived. In a half minute he replied, I don't know, after I had reminded him. I asked him who rented it; he did not reply; I asked him again, and he pointed and said, over to West Bridge. I then asked, where is George? He did not answer until I asked again; he then said in Illinois. He was evidently thinking of something else; his character was good.

*Cross Examined.*—Have known him since 1838. For the last three years I have known him intimately, called often when his brother was there. This was the latter part of March, in the afternoon, from one to three. I have stated all I know that was peculiar. I had a brother who was insane, and I remarked to my wife that Clark must be crazy. I did not prolong the interview, though I would if he would have talked. I am not certain who owned the building; I thought he meant that the person lived over there, meaning the bridge. I asked him, who shall I inquire for, to know who rents it? He said, some one over to West Bridge. I said nothing more; I mentioned it that evening to my wife; have not since, only to his brother, in July or August.

*Examination resumed.*—This tenement was a part of the building where he lived and had his store. His brother was there, when I knew Clark intimately in 1852.

*Mrs. Ann Hull called and sworn.*—I know Willard Clark; have ever since he had business in that store, and partially before. His store is next to my house. His sister's child was with me a year and a half, when we were on a farm. We have lived where we now do, two years. We have traded with him. I have never known anything against him before this affair. His disposition was good. I noticed a change in him in November last. He was peculiar. I didn't like to trade there; have not much since, but have occasionally. I could seldom find him in the store; he would be shut up in the office, and I would have to call him. He would not always speak. When I asked him, he would stare; sometimes I would leave the store without having any answer. Always got what I wanted. Left trading there because his appearance was

changed. I changed trading there 17th of November. After that, traded a quarter as much as we should have done. After that he would look vacantly and then sometimes a very silly smile would pass over his countenance, that gave me pain; so I seldom went in there. It was during the winter that I first noticed this smile. During the winter I went in there perhaps once a week.

*Cross Examined.*—Saw Clark after November, perhaps once a week or once in two weeks, to speak with him. In November he was changed. I could not account for it. I thought a great deal of the change. I could not account for it; told my family that we must not go there any more than we could help. There was nothing in his change of appearance that could be accounted for by a change in habits, perhaps with regard to drinking liquors. He did not appear to be interested in his business. I often stated these things to my husband. I can't say when I first noticed this silly laugh. I repeated to my husband several times before November that a strange change had come over him, and it was painful to go there. I did not know as he always charged all the things we had. I might not have mentioned the silly laugh until after he was in jail. I mentioned it to my family. I probably mentioned it to others, can't tell to whom. I won't say that it did not occur to me that there had not been a change in his habits.

*Examination resumed.*—I saw nothing in his appearance that indicated that he had been drinking. His appearance would not have been accounted for to my mind, by the supposition that he had been drinking.

*Cross Examination resumed.*—I never made this change of appearances a subject of conversation with Clark. I told him why don't you brush up the store, why don't you brush yourself up? I never told him I should leave there if he did not change things there.

*Mrs. Lydia Sellidge called and sworn.*—I have been somewhat acquainted with Willard Clark. I recollect purchasing something of him and giving him money requiring change. I think it was a few weeks before this occurrence. He stood behind the counter; he got me what I wanted; he gave it me; I gave him some silver, requiring change. He took it and put it in the drawer, stood and looked at me. I waited, and asked for change. He said, did you pay me? I told him what piece of money I gave him. Well, he says, I did not know that you had paid me; I don't know what I am about, half the time.

*Cross Examined.*—This was two or three weeks before the killing. I was in there sometimes. This was in the morning. I had been in there some for two or three years. I have seen him look strange, several times; he didn't speak to people. I had noticed a general change in him; he seemed very absent-minded. I noticed it a few months before this occurrence, absent-mindedness, and a failure to recollect, a strangeness, something in his looks that I cannot express. I think it was as far back as November. I mentioned this about the money, at the time, to my daughter, afterwards, soon, to my sister before the homicide. I went to the store as usual after this.

*Examination resumed.*—I noticed this strangeness generally during

the time after November. I spoke the same day to my daughter about it; a few days after to my sister.

*Philo Terrill called and sworn.*—Have known Clark ten years; up to this transaction, his character was good; his temper good and mild. After the marriage, he came into my store; he came in and passed to the back store; I soon went in and asked him about his business. Said I, Willard, you've lost your girl, it seems; he was sitting; he raised his head and eyes up, and nodded; his eyes had a glassy and wild appearance. I was called out and he left; I mentioned it to my wife; told her Clark took it to heart more than I thought he would.

*Cross Examined.*—This was ten or fifteen days before the transaction; it was in the evening; there was no one in the back room but Clark, when I went in there; he said business was not very driving; I don't know why he called; my store is at 64 Chapel street; I have stated all the conversation there about this girl. I told my wife; told no one else until after this transaction. I think I told this to Dr. Keep.

*Examination resumed.*—On this occasion, he made no business with me; he had not called before for some months.

*Mariner Beecher called and sworn.*—I saw Clark often during the winter and spring preceding this occurrence. At times he was absent-minded. The latter part of October I went into the store one morning about 9, and inquired for Walter Barnet. He made me no reply, but stood and gazed at me. I started to leave the store; he started all at once as if he had just heard me, and said that Walter had just been there and had gone. I noticed that he was absent-minded after this; I saw it very often; I went there to see somebody beside him.

*Cross Examined.*—I noticed it from October to first of April. Have known Clark about two years—not well until last September; I told this to Mr. Barnet the same day. I told it in May to Edward Downes.

*Mrs. Mary Woodward called and sworn.*—Have known Willard Clark about four years. I lived in George street, three doors distant from his store. Have traded there daily; have noticed through the past winter that he has been unusually abstracted, and neglected his business, and has played on musical instruments when there were a half dozen customers waiting in his store. Once he was in his room, and at another time in his store. I have asked him for articles; he would stare at me with wild countenance, take up one thing and lay it down, and take up another, until I had twice called his attention to what I had come after. I first noticed it in the spring. This was through the winter. Twice I noticed something. I was in the store, and instead of getting what I wanted, he looked at me with an unpleasantly wild countenance. I most noticed these things between two and three weeks before this occurrence. Spoke of it on my return home. I never heard or knew anything against him previous to this occurrence; his temper was very obliging, as I had several opportunities of knowing.

*Cross Examined.*—Noticed the particular change in the spring. I first noticed any change in the course of the winter, perhaps in January. This was a perfect inattention to his business, and abstraction. Then

there was a change to wildness. This was shown by his eyes and a vacant look; he talked from one thing to another, unconnectedly. I noted it twice. Those are the only instances to which I could swear. My impression is, that he often did it in the latter part of the time; I was obliged to be there so much longer than was necessary to get things. I have been asked lately, if I recollect anything, and I recollect all I could. Lived near him for four years. I was in the store when he played on the musical instrument; it was a bass viol. He put it down to serve me. I waited there ten minutes. The other time he was in his room. I called him. Don't know who was there. When he stared at me it was within three weeks of the killing.

*Miss Harriet Barber called and sworn.*—Lived within three doors of Clark's store, on the other side. He was at our house in April; he asked me if my brother had borrowed a gimlet of him within a week or two. I told him no, he had been gone. He repeated the question at least three times more, without apparently knowing what I had said; he then asked me if my brother was at home. I told him no; had told him so three or four times. I was four or five feet from him; had no difficulty in hearing what he said; he then kept looking at me in a fixed manner. Looked melancholy when he first came in; had not seen much of him, previously, for some months. Then he laughed and turned away. There was no occasion for the laugh.

*Cross Examined.*—It was about 9 A. M. It was the second of April. Have known Clark six or seven years. Nobody was by; it was in the yard. Never saw him act in that way before. This was all I had noted. He didn't seem to take the sense of what I said. In the early part of the winter I had noted that he was abstracted, not wild. So far as I know, he was very good natured, obliging and respectful.

*Mrs. Sally B. Carr called and sworn.*—Have known Willard Clark for twelve years; his character, temper and disposition were good, so far as I know. Noticed things peculiar in him, previous to this transaction. It was about a month before it. I went to the store, he appeared singular, took no notice of me. I didn't go to his store, often, for the last year, but when I did, I saw that he appeared different. I spoke of it to a lady, and to my sister. When he came out of a little room adjoining his store, he appeared as if his head might feel bad, slightly. Didn't seem to know how to wait on customers.

*Cross Examined.*—I have been in three or four times during the year. It was in the spring. Every time I went in he appeared different from what he used to a year ago. He appeared slightly, and as if something ailed his head. I don't know what I went there for. Don't know whether I got it. This was three or four weeks before the homicide. I went there after that. He came out of the back room. I don't recollect anything that he said or that I did. I noticed this strangeness when I saw him afterwards.

*Mrs. Sarah Potter called and sworn.*—Have known Willard Clark for fifteen years; his character was good; I never heard or saw anything against him; always thought his disposition and temper good.

Saw a change in his appearance about four weeks before the murder. I went in there one morning for tea or something; he was in the back room. A young man came out; I told him I wanted Mr. Clark; he called him; he came part way to the scales, and then turned back, and looked over his shoulder, laughing at me. This was the first I saw. After that I owed him a little bill, and went in to pay it? he said, do you owe me? I said, yes; he said to me, if you owe me you know it, and can pay it. I did know it, and paid it. Had a conversation about Jim Gorham, the Thursday before this thing happened. He asked me if James kept steady. I was surprised at the question. He knew that Jim was steady. I went in and asked for sugar, and he went to weighing out tea; didn't seem to know what I asked for. The last week he didn't seem to want to wait on customers; he would stand and laugh; it was a simple laugh.

*Cross Examined.*—I never knew him to refuse pay; he didn't seem to care about it for the last week. I think he could not sometimes tell the price of articles. I don't know that he failed to tell the price of an article. I think that it was Mr. Kent that came out of the back room. I asked him, isn't Willard here? He said yes. Willard came out reluctantly, but finally served me. I think I paid him. I selected the sugar. He did the business with me. It was in the morning before breakfast. I think it was Saturday morning. It was two or three weeks before the killing that I paid the bill. I never owed him so much as a dollar. I said to him, isn't it as much your business to know what I owe you, as mine? He said he didn't know but it was. Gorham is a silver plater; had boarded with me for two or three years. I was surprised at the question. I told of it at home. I never turned it in my thoughts that he would be a crazy man, but I thought he acted dreadful strange. I noticed the strangeness first, just after he got home. I was in his store three or four times a day. Previous to this I had noticed that he was not in his store, that was all. I would have to go to the chamber stairs, and call him.

*Examination resumed.*—Never noticed the laugh until that morning. It was a smile, a simple look, and laugh. I cannot describe it.

The DEFENSE then put in a deposition taken in Iowa, as follows, with the interrogatories put to the deponent:

STATE OF CONNECTICUT }  
vs.  
WILLARD CLARK. }

Clark M. Loomis being duly cautioned and sworn as a witness in the above entitled cause, doth in answer to the interrogatories accompanying the foregoing commission depose and say as follows:

*Int. 1.*—How long have you known Willard Clark?

In answer to the first interrogatory he saith as follows:

*Ans.*—I think about four years.

*Int. 2.*—What were his character and disposition during the period of your acquaintance with him?

In answer to the second interrogatory he saith as follows:

*Ans.*—His character was good, so far as anything that I know. He was perfectly honest in every sense of the word. In disposition he was kind and affable; as a neighbor, courteous and obliging.

*Int. 3.*—For how long a time immediately previous to his arrest had you been in the habit of frequenting his store? If you did frequent his store, how came you to do it?

In answer to the third interrogatory he saith as follows:

*Ans.*—For two months previous to his arrest, I was out of business, and was in Clark's store almost every day.

*Int. 4.*—During this period, did anything in his appearance or behavior attract your attention? If so, state fully and particularly what it was that so attracted your attention.

In answer to the fourth interrogatory he saith as follows:

*Ans.*—During that time I noticed that he grew very careless and negligent of his business; paced the floor a great deal, appearing absorbed in his own thoughts, and when customers spoke to him he frequently took no notice of them at all. Frequently during this time when I have been in his store, and have spoken to him, he has acted strangely, waiting a good while before answering, and often not answering until I had spoken to him a second time. This conduct of his evidently grew worse day by day.

*Int. 5.*—What, if anything, do you know about the circumstances of the affair in which Richard Wight was shot?

In answer to the fifth interrogatory he saith as follows:

*Ans.*—I know nothing about it. And further this deponent saith not.

C. M. LOOMIS.

Sworn to and subscribed before me, this 20th day of August, 1855.

C. G. BLOOD, *Justice of the Peace.*

*Mrs. Rhoda Parmalee called and sworn.*—My husband owns the store of Willard Clark. We live half a mile from West Bridge. Have known Willard Clark since he was fifteen years old; he came to us at that age; he boarded in our family a year; then Dr. Croswell took him away, sent him to a school in Cheshire. Next knew him in the fall of 1848; he had then been in Chicopee; staid a year and a half with us then, until we left the store; he took the store; he had been boarding with us; he boarded himself after he took the store—occasionally took meals with me; I told him to as much as he liked; his character before this transaction was good—honest in every sense of the word. We dealt with him: his disposition was remarkably kind and amiable; he was very sensitive to an injury; his mother's death, in the spring of the year when he first came to us, affected him greatly; he felt as if he had lost the only friend he had. He was melancholy, and cried violently. He spoke of his mother's death as a great affliction: he was devotedly attached to his mother. After her death he was inclined to fits of depression. After he came back from Chicopee his character was not as solid as I expected to find it; he conversed with me often

about troubles he had had there ; he did not tell me of it at first ; he would sit in melancholy moods when he was not occupied ; was fond of playing on the violin ; he conversed with me about his recent troubles two or three times before the engagement was broken off ; after the engagement was broken off, he conversed with me about it ; he suffered exceedingly ; his trouble about Miss Bogart was his chief conversation ; in fact, I never could engage him in any other conversation ; he came to our house during the winter ; we moved away from Park street in November ; he said he should come to see us every Sabbath when it was unpleasant ; I continued to see him down to this transaction ; I saw him last, the last Tuesday before the killing. Before the engagement was broken off he conversed with me, and manifested much feeling ; he said he feared Miss Bogart had not the affection for him that he had for her ; he was going to propose to be married within a fortnight ; this was in the fall ; I advised him not to ; he said her mother was constantly telling him that Henrietta had a strong attachment for him, and cared for, and would go with nobody else. I advised him to test it ; he did test it ; he asked her to marry him in two weeks, and she refused, and then he proposed a dismissal, and wrote one.

COURT adjourned.

*Thursday Afternoon, September 20th.*

COURT opened at 2 o'clock.

*Examination of Mrs. Rhoda Parmalee, continued.*—The Sabbath after the marriage, my daughter gave Clark a handkerchief. It was Sabbath morning that he came up. He went away in the evening, about 9 P. M. He said he thought of going away to Chicopee, leaving his business for a time, and getting some one to take care of it. We remonstrated. He said it wouldn't make any difference with him, he thought likely he should not remain in the store much longer. He then proposed to sell out. We opposed it. Asked him what he was going to do. Said he didn't know, he might go west. If he were going to do business, he would prefer to stay in the store. I tried to console him ; he soon began to cry ; he cried violently for half an hour, the tears were rolling down his cheeks ; I saw he had no handkerchief ; he said something about the marriage ; he said Mrs. Bogart felt bad ; she thinks I have not been used well. Nothing was said about Wight, but that he was not worthy of Mrs. Wight ; he did not state anything against him. My daughter gave him a handkerchief ; he used it an hour until it was wet, in his hand ; he cried for two hours, almost constantly ; I tried to console him ; I said Miss Bogart did not appreciate him or she could not have done so. He said she did love him, he knew she did. I asked how she could have married Wight then. He said he could not understand, it was a mystery to him. I saw that my conversation distressed him, and I desisted talking about her. He didn't say a great deal more. We tried to persuade him to change his mind with reference to going away. He sat down at the dinner table, did not eat much. He

had had almost an extraordinary appetite. After dinner, he smoked a cigar or two, and appeared better. He had another crying spell before tea. I said not much more about this subject. He had been in the habit of playing the flute, while my daughter played the piano. He did not ask her to play then.

The Tuesday before the affair, he came about 8 A. M., looked very sad indeed. He spoke and said, I don't know that it does me any good to come up and see you, Mrs. Parmalee. I said, why? He said, it seems to me too much like my home. I think he shed tears. He began after a while to talk about Miss Bogart, the marriage, and Wight. He spoke about a conversation about the melodeon going back to Mr. Bogart's. Said Mrs. Bogart was telling him about what Wight said, and Wight came in, and then talked with him about it. He said Wight got excited, and shook his fists. He said he was excited at first, but became cool in a moment. He said Wight did not love Miss Bogart, but married her because he hated her, and married her to torment her. He said it was a mystery to him why Miss Bogart married him; said Wight had gained an influence over her, that she did not love him. He appeared very uneasy, twisted in his chair. He said they were going to go away that week; he said she did not speak to him; he said it was because Mr. Wight objected to it. He said they were going away because he visited there. I thought then I would remonstrate with him for going there. I said, Willard, you won't go there any more, will you? He said, yes, I will; I don't know but I shall finally make it my home there. He asked me what I supposed was the cause of his taking the melodeon back there; he said he would state some facts that would explain it. He seemed to clothe it in mystery. He said the family were very fond of music; that Mrs. Wight was very much so, and he thought it would be a satisfaction to her to have her younger sister learn music. He said, now if you can gather any reason, then that is the reason. He said they were living together in adultery. I was surprised and rather shocked at the remark. He went on and tried to prove it. He said she did not love him, or he her, that there was no union of spirits, and that in the sight of God there was no marriage between them. He went away soon. I asked him to dinner, and he declined. I noticed when he went away, an unmeaning laugh which I never saw before. He had been pacing the room.

*Cross Examined.*—We went to Park street from the store. We now live in West street, near the new Cemetery. Our house is hardly in the vicinity of West Bridge. The Evergreen Cemetery is not in the vicinity of West Bridge. Willard came to us before his mother died. When she died, he was changed. After that he was subject to melancholy fits, which I never saw him have before. I never saw evidence of unkindness in him. He would bear an injury patiently. He was sensitive to a real injury. Don't recollect that I have said that Willard was revengeful. I have said that I would not have a daughter of mine marry him. I am confident I did not say that he was revengeful. The other remark I made to Mrs. John Parmalee, as long ago as the winter of 1854. I

said so because he was avowedly a skeptic in religion. Dr. Croswell used his influence to get him a place, and he went away under his care. Willard made a confidant of me. Before the breaking off the engagement, he conversed with me about it. He said he feared that Miss Bogart had not as much affection for him as he for her, in October and November, '53; she did not manifest it as he thought she ought to. He said she never showed so much affection as when she wanted him to get her something. He said she had solicited him for presents sometimes. I told him I believed she did not love him. He said she did. At this time he said he was about to propose to be married in two weeks. I tried to dissuade him. I could not. I told him he could test it so. He afterwards said he had tested it, and she would not do it; that he then proposed a mutual breaking off of the engagement, and drew up a paper; that she would not sign it. This conversation was during the winter. I understood from him afterwards that the engagement was broken off, and that the paper had been signed by her at his *urgent* request. He felt that he had done very wrong in compelling her to sign it. He reproached himself for being so urgent about it. He said she gave as a reason that she was too young to be married. He said something about her wanting him to wait until May, or saying that if he could not she would not marry him. I didn't ask him why he came to press the breaking off of the engagement. When I told him that she didn't love him, he would turn back and say that she did love him; it was him that was to blame, he said.

My daughter stepped and handed him the handkerchief. The Sunday was the day before he went to Chicopee. It was 10 o'clock in the morning when he came up. He said he was anxious to go right away to Chicopee. He had no one engaged to keep open his store. His store was kept open. I asked him if he was going to Chicopee to get him a wife. He did not make much answer. I asked him what kind of a fellow Wight was. He, I think, did not say that he had nothing against Wight, nor that he had. He said nothing further about him. He left about 9 o'clock.

I think I have related all the particular circumstances of his Tuesday's visit. He was as much excited on these two occasions as I ever saw him; on the Sabbath, more so. Tuesday he was much agitated, but not so much as before. I felt, however, quite as anxious about him as I did on the Sabbath. I was afraid of his committing suicide; he had frequently intimated something about suicide. He said Wight married Miss Bogart to torment her; he said there wasn't one of Mrs. Bogart's family that liked Wight. I was ironing. He asked me when he had stated his explanation about the melodeon, if I saw the reason. I said I thought I did. He told me that in the conversation with Mrs. Bogart about the melodeon, Wight came in and they two had a conversation. Wight said that he heard some one on the street say that he, Clark, said that he carried the melodeon there to torment Wight. Wight asked him what he thought of it. He answered that considering the source from which it came, he shouldn't pay much attention to it. Wight was

angry, and got up, and went to him and shook his fist, and wanted to know if he called him a liar. He said if that was calling him a liar, he did. He said he was angry at first, but soon cooled down, and rather laughed at it. Did not see him after this Tuesday; did not go into town; did not publish to any one my apprehensions; did not mention them particularly to my husband.

*James Gallagher called and sworn.*—I have known Clark for ten years. Previous to this occurrence, I was up in George street. Saw Mr. Clark in the door of his store. I spoke to him; he did not speak to me—but stared. When I heard of the occurrence, I said, that accounts for his conduct to me the other day.

*Cross Examined.*—He was in my employ in Chapel street, once. I was going up that day to the François Turner place. I said, good morning, Mr. Clark. He only stared at me. I simply passed by. I felt a little offended. I passed right close by him. This was three or four days before the homicide.

*Samuel Short called and sworn.*—Have known Willard Clark fifteen years. Have traded with him, lately. I have noticed things strange about him; it was at first, in January. I would go in and ask for a thing, and he would not get it. I mentioned it to some one, and asked what was the matter of him. I noticed this along through February. In March his eyes began to be glassy in the morning; seemed so to me. I always considered him a nice, honest young man.

*Cross Examined.*—The first strange thing I noticed about him was absent-mindedness. The other peculiarity was his glassy eyes. You asked for a thing, and he wouldn't give you an answer; he seemed to be bewildered.

*Joel B. Bishop called and sworn.*—I first knew Clark on the Tuesday before the homicide. I called at the store. I had called on Monday morning, at the request of Mr. Kent, but did not see Clark. I called there to make a fish stand. Clark referred me to Mr. Kent for dimensions, said Kent would soon be in. I proposed to call on Kent, and get them as I went to my shop. He said, yes. I went to my shop, and in an hour the door opened very hastily, and Clark entered. The manner of his entrance attracted my attention. He asked me not to make the stand. I told him I would not, and he left. I next saw him on Saturday morning, at the store about 9 o'clock. I went there to fix the stand. He appeared wild and strange. I requested him to designate about the manner of cutting a hole in the stand. After I had asked the question two or three times, he said, you know best about it. I raised my eyes, and he stood looking at me with a vacant stare; his whole conduct seemed to be strange. The only rational thing he did was to ask how much it cost.

*Cross Examined.*—After my interview with Kent, Clark requested me not to make the stand; I afterwards got directions from Kent to make it. At the store Saturday morning I asked him three or four times how large he wanted the hole for the waste pipe. He looked at me vacantly, and referred me to Mr. Kent. He asked me what it would cost. He did not pay me.

I asked him three or four times before he replied. I was standing within a few inches of him.

*Mrs. Anna Janes called and sworn.*—Previous to the day of the homicide I had no acquaintance with Clark. That day I went to his store to buy some goods, between  $8\frac{1}{2}$  and 10 A. M. I wanted fish, stove blacking, and lemons. I wanted to see Mr. Clark about his cousin. I was pointed to him. He was standing by a desk outside the counter. He had a large book in his hand. I asked where Mrs. Nichols was; he said he did not know. I told him where she was when I last knew of her. He said, O, she's there now, I had forgotten. I called for my articles two or three times before I got them. He would help me to one thing, and then he'd forget, and I'd tell him the next thing I wanted. Then I spoke to him about sending my little boy there to get things, as I had moved into that neighborhood, and might want to be trusted rather than send him with change. He said nothing. I said, very well, supposing that he didn't want to, and was going. What did you say? said he. I repeated what I had said. He then said, certainly. Then he was going to leave me without taking the money. I gave him the money and then spoke to him, and asked him if he would send the things home. He didn't answer. Just then my little boy, Eddy, came in, and I said, Eddy will take them home for me. After that Clark said he would take them home. I mentioned these circumstances at dinner, that day, to my husband, told him that I had been to see Clark, and that he was a very peculiar person.

*Cross Examined.*—Lived a short distance above him. Mr. Kent was in the store, and several other persons. I purchased one fish, one paper of stove blacking, and I don't know how many lemons. I told my husband when he came home that Mr. Clark was a very strange man.

*Mr. H. P. Willis called and sworn.*—Did not know Clark before that Saturday. Saw him then. Passing up George street, on my way home, I recollect that Mrs. Willis wanted some groceries. This was about eleven. I went into Clark's to get them. Never was there before. I went in at the George street door. He was leaning against a partition on the left of the store. Another gentleman was there. It was Mr. Kent. Clark made no motion in answer to my salutation. Kent did. I said, I want to get some groceries, to Clark. One of them was vinegar. He made no reply. I looked at him closely. I noticed a vacancy about him, a kind of a glare, and an absent-mindedness. I left Mr. Clark, and went to Kent, told him what I wanted, and said, how will you have these sent home? Clark said, I'll find you. I said, you don't know where I live. I told Kent where I lived. I offered to pay Clark. He said, never mind. I was a stranger to Clark, had not traded there before. I told Kent I wanted to pay for them. He took his pencil, reckoned it up, and I paid the bill. This is all that I know.

*Cross Examined.*—Kent was behind the bar. Saw Clark; spoke to him, because he was nearest me. I knew Kent was not the owner, and supposed the other man was Clark. I bought half a gallon of vinegar; a half a gallon. I want you to distinctly remember. Can't tell what

else I bought. Think I paid, perhaps, about half a dollar for what I got. It was a few moments before I got home, that the things I got there came home. It was the man whom I now call Mr. Clark that brought them. I dined at home that day. It was getting along towards half past twelve. I told these circumstances a few moments before twelve that day. I have told them within a few days to the Attorney who called upon me.

*Mrs. Margaret M. Willis called and sworn.*—I am the wife of the last witness. Saw Willard Clark on the day of this occurrence; it was about eleven. Mr. Clark brought me groceries then. They were those that my husband had bought. When he came to the door, he said my husband had bought the groceries. I told him I would get a demijohn in which to put the vinegar. He said that would not hold it; there was a gallon. Told him that I told my husband to get a half a gallon. I then got another vessel. I noticed that he looked flurried. When he turned to leave the door, he muttered to himself. Instead of going out of the gate, he jumped over two fences. Watched him as far as I could see him.

*Cross Examined.*—I only recollect that he brought vinegar, because he had more than I wanted. I found that the demijohn would not hold it. When he went to go, he was muttering to himself, talking incoherently. He was in the back yard, on the stoop, going off it; he was then muttering. I should not suppose it took him a half moment to get off. He broke into a run as soon as he was off. The first fence is near the back step. He put his hand on it, and jumped over it. It was a short distance to the other fence. He jumped over it in the same way. I told this first to my husband. Afterwards I told it to various persons. I cannot tell one of them. The fence is a common five rail fence.

There was no occasion, that I know of, for jumping the fences. We had a gate.

*Jerome L. Stout called and sworn.*—Have known Clark three or four years. His character was very good. The first particular change that I noticed in him, was, I think, in February last. It was an inattention to business. Somewhere from the tenth to the fifteenth of March I distinctly remember calling at his store. He was sitting in the George street door, with his face in his hand, sitting on the step, leaning against the western door post. His eyes were open. I said, how do you do, Willard? He made no reply, neither did he move. I spoke, I think, after that twice in succession before he made any movement, or any reply. Then he rubbed his forehead and moved. I asked, what was the matter. His reply was, enough, enough. I repeated the inquiry, and he shook his head. Then I asked if I had done anything for which he was angry with me. He asked what I meant by that. I told him I thought he acted rather singular; he said, nothing, nothing, Oh no! Oh no! Then I made known to him my errand. My errand was to see if he wanted to buy some molasses; Mr. Finch, in whose employ I am, had just received a cargo of molasses, and I called to see if Clark wanted

some. Clark said he had all the molasses he ever expected to sell. I asked him why, if he had a large amount ahead? He said, no, no, no, but enough. Then he made some remarks about his having had a good deal of trouble lately. He seemed very indifferent, and spoke reluctantly. I saw him every day afterwards. He appeared about the same, wandering very much in his conversation. I am strongly impressed that the last time I saw him was on the day of the homicide. I went in and inquired for something; he stood in the south door on George street. He paid no attention to me. Two little girls were there, waiting for him to wait upon them. I called his attention to them. He said if they wanted to be waited on more than he wanted to wait on them, they might wait on themselves. I did not get what I went after, but went away. I asked Clark where Kent was. He said, I do not know nor care.

*Cross Examined.*—He didn't tell me he was going to sell out. I inquired if he was, and don't think he replied to it. Have been in the habit of going in there frequently since May, 1854. My wife had said once or twice that she wouldn't go in there any more, that he slighted her, and didn't seem inclined to wait on her. During the latter part of the time, at intervals, he seemed cheerful, and at times, deranged in his mind; I considered him love-cracked. The day when I last saw him, the day of the homicide, I think, was a hot, sunny day. Clark stood in the south door on George street, in the sun, with his hat off. It was at noon. They were little girls. He didn't serve me that day. I think I called for something.

*Mrs. Isaac Beers called and sworn.*—I live on High street. Have traded with Clark a number of years; traded there occasionally. Never heard anything against him; always thought favorably of him. A few weeks before the homicide I noticed a change in him, an absent-mindedness. I would ask for an article, and he wouldn't seem to understand me, and I was obliged to ask two or three times. I saw him on the day of the homicide, in George Street, about three o'clock in the afternoon. I passed him quite near. I spoke to him. I said, how do you, Mr. Clark? He didn't take any notice of me at all; he seemed to be walking fast.

*William H. Ellis called and sworn.*—I knew Heman Clark, father of this prisoner, fifty years ago. Did not see him much in his younger days. After I moved to New Haven he was here some; did not see him much. Thirty years ago I kept shop in Church street. One morning some customers were in the shop. Heman Clark was there. He said, loudly, I can do as well without GOD ALMIGHTY as GOD ALMIGHTY can without me. I said to him, you wicked wretch, go out of the shop, if you say such a thing. He looked me right in the eye, with very great force, and said, it would be very improper in you to say so, but it is perfectly proper for me, and added, that I didn't know his power. He was talking pretty loud; I took hold of him to put him out; he said, take care, don't provoke me to curse you, for whom I curse, is cursed forever. Then I knew he was deranged; he was per-

factly sober; his eyes were glassy and wild. Afterwards I went into Joe Stevens', and found Mr. Clark there. Some one said, Clark says he can bring East Rock into New Haven. I said, it will be a long time before you get it moved: he said, you don't know my power; I thought he was crazy; he was wild; I thought he was insane and I had no doubt of his being so, at times.

*Cross Examined.*—Heman Clark was a resident of Waterbury; don't know where he was born, or when; he was older than I was, I thought; I once resided with him at Waterbury. I don't know that I ever lived in the same town with him after that. He was a clock maker; don't know where he lived after I left Waterbury; I left Waterbury in 1826. Never had any business transactions with him; I often took him afterwards into my wagon to ride from or to Waterbury; I met him then six or twelve times a year, on the road, and as often about town, from 1820 to 1825; don't recollect seeing him more than once since 1826; do not know that the young man on trial is his son; never saw him until to-day. Heman was moving about here, from one place to another; he hadn't much business; I never saw him when he was going on a spree; I had heard that he was intemperate.

Joe Stevens kept a small tavern. I have told the two first circumstances often within ten years. I can't tell what species of insanity he labored under; he was communicative when he had these fits, at other times he was taciturn; these two times were the only times he was raving. Incoherent expressions, extravagant and strange expressions, accompanied with strange looks, motions and actions, are my tests of his insanity. I thought he had not been drinking; I spoke to 'Squire Mix about him that day; don't know whether Mix took care of him; don't know what family he had.

*Mortimer Camp called and sworn.*—I know Willard Clark; have for six years; his character up to the time of this homicide was good; his temper and disposition were good. I noticed a change about him two or three weeks before this happened. He wasn't particular to have my account book made out, Saturday. Another thing was, he was not so sociable as formerly. He walked the floor, a good deal. Had never seen him do so before. Saturday, April 28th, I was in there in the afternoon; saw a tear standing on his cheek. Can't say what time it was; was in there several times. Thought that was strange.

*Cross Examined.*—Never saw him cry before. Noticed that his face was flushed; never saw him when I could say that he had been crying. I work for Mr. Cannon, in Chapel street. I was not at work that day. Had conversation with Clark. Came in to thank him for going after the Doctor, the night before, for me. Did do so. I was in there, an hour. Am not certain whether Kent was there. There were three or four people in during that time. I didn't see Clark wait upon them. I said nothing to Clark about the tear. I think Walter Barnett was there. I think Mr. Carr was in there, in the course of the day, while I was there. Can't say whether we had conversation. Don't recollect anything more than what I have told. I first told of this, on Saturday

evening. Have told a number about it. I told it to Mr. Cannon, this week. The idea of his crying had worked hard on my mind. Was in there almost every day. Was on friendly terms with Clark. Had spent time there evenings. I saw the tear on his cheek while he was walking back and forth.

*Frank Spencer called and sworn.*—Reside in Naugatuck; knew Herman Clark; he was in my employ five or six years—I cannot say that I supposed him to be an insane man; he was singular; he was actuated by passion and impulse, and expressed himself extravagantly under excitement; he was sometimes profane and vulgar; at times he was a gentlemanly, well informed man, and attended to his business; if excited he would behave and talk very unreasonably; I first knew him in 1828. Once in the shop, in conversation with his sons, (it was near night,) he told them to go home and prepare wood for the night; he was busy at work. The boys didn't start immediately, and he was angry; with furious gestures he drove them out of the shop; they crossed the road and sat on the fence; he was very angry; went down and flung stones, clubs, or anything he could get at them; they were seven or eight years old.

We had a store; he had engaged some turnips of a neighbor, and I don't recollect what disappointed him about them, but he was very angry; he was violent, and said in substance, that he could on Baldwin Beecher's farm, where he lived, on a spot not larger than this counter, in one year, raise turnips enough, at five cents a bushel, to supply the town of Naugatuck; he seemed perfectly sincere in saying this; he was particular about church and apparently devout; don't know whether he was a member of the church. The sort of thing I have described was common at times; he conceived strong prejudices against individuals, for real or supposed offenses, and they endured; I remember his having a prejudice against one Mr. Bunnell. If any mischief was done anywhere in the neighborhood, he would charge it on Bunnell; would make the charge as if he believed it. I didn't suppose that he or anybody else had reason to think that Bunnell did the mischief. I did not think he was deranged; I called him a man of very unequally balanced mind.

Mr. HARRISON asked the witness what he meant by an insane man. Objected to by the ATTORNEY; allowed by the COURT.

I think an insane man is a man totally devoid of reason and judgment, and incapable of self-control.

*Cross Examined.*—I should add, also, that an insane man is not accountable for his acts. I thought this man not insane in that light. He was a man who drank ardent spirits, periodically, I think. This strangeness was most apparent when he had been drinking. There were long periods when he did not drink. Don't think he had been drinking on any of the occasions of which I have spoken. At the turnip talk, he might have been drinking, although I have no reason to suppose he had.

COURT adjourned.

*Friday Morning, September 21st.*

COURT opened at 9 o'clock.

*Philander B. Hine called and sworn.*—I knew Heman Clark for ten or twelve years, when he worked for Spencer & Hotchkiss, at Naugatuck, and when he worked for me, knew him a year. Was present at the conversation about turnips. Something was said at the store, when he was there, about his purchasing turnips. He said he would take a contract at five cents a bushel, and supply the town. He didn't want a spot of land on Beecher's farm, for it, more than half as large as the counter. He was singular in his conduct ; sometimes he was taciturn, at other times he was the reverse. He had very singular turns, at times very much depressed, at others very communicative. Once in conversing with Mr. Baldwin, about clocks, he started up and said, Baldwin, you are a d—d fool ; you could not make a cider-tap with a shop full of tools. He said himself, that he could make a clock that would run a thousand years, in a week ; all the tools he wanted were a steel trap and a gun barrel. He would say such things with every appearance of seriousness.

He would frequently in his moody turns, sit out doors, looking at the stars. I once went out to him when he was sitting on a log. It was time to go to bed. I told him so. He said, I'll thank you to mind your business ; I don't want to be disturbed. I never saw him intoxicated ; have no doubt that he drank liquor. As to these times, I had no reason to suppose that he had been drinking to excess. I don't mean to have it understood that these were the only strange circumstances about him, that impressed themselves on my mind. There were many of this character. From these circumstances and others, and his general appearance, I have no doubt but that he was at times a deranged man.

*Cross Examined.*—He worked for me, I think, in 1837 or 1838. It was in Straitsville. Could not say from my own knowledge that he was an intemperate man.

*John S. Butler called and sworn.*—I am Superintendent of the Hartford Retreat for the Insane. Have been between twelve and thirteen years. Had charge of another institution in Massachusetts, for three years previously. My attention is exclusively devoted to the Retreat for the Insane. I saw the prisoner for the first time on the fourth of August ; visited him in the forenoon from ten to twelve, and in the afternoon from half past two till four, in the prison in this city. I do not think he knew me. I did not lead him to understand in any way, who I was. I saw him again, August 21st, from two to four, P. M. Did not see him again until I saw him in this court room. On my first visit I requested him to tell me all about this homicide. Our conversation extended through the three and a half hours that I was with him. He said he became acquainted with this young girl in 1851 ; that he was very much pleased with her ; she seemed unlike other girls ; he could

not get near her, she would leave as he approached her, and would shun him ; he became very much attached to her, and she to him ; that they were engaged in 1852, when she was fourteen years old ; he said though she was very much attached to him, he could never induce her to give him the usual tokens of affection ; she was very much in love with him, but too modest to say so, and would play tricks upon him ; she was very apt to try hard to provoke him. This state continued for some time, till some time afterwards they had a quarrel, when the engagement was broken off, which he said was a source of great distress to her ; she suffered more from it, than he did. He then spoke of her acquaintance with Wight, and his attentions to her ; that there was an intimacy between them which continued for some time. This was after the engagement was broken.

Then he said Wight left her suddenly without apparent reason ; that on *his* visiting her more frequently, Wight renewed his attentions ; that they became engaged and were married. He said Wight was a great scoundrel, a bad, unprincipled man ; that he delighted in breaking up matches, and boasted of it ; that in this case he had no love for the young woman ; that he wished to do her mischief ; that was the whole object of his attentions to Miss Bogart. He said that Wight had great power over her ; that he obtained this power by the means he used to break up the engagement ; that this was to seduce her, and that he had done it. He said this was very evident but gave no reason ; he said it was clear enough. Said Wight, after he had accomplished the object, then of course left her ; that was the secret of the cessation of attention ; that hearing Clark was again renewing his calls, he renewed his addresses ; that finding he could not again deceive the young woman, he resolved to marry her, and did so, with the intention of removing her from the care of her friends, getting some one to debauch her, and then turn her on the world. I asked him how Wight could succeed while she was so much in love with him, Clark. He said he didn't understand,—it was either by drugs, or by the fact that when the engagement was broken off, she was miserable and flung herself away on Wight. He said Wight was a corrupt man, an unprincipled wretch. He said he couldn't understand how her love for him could be overthrown. He said Wight had a deadly hatred to this whole family. He did not give any cause, reason, or evidence, nothing but the bare assertion. Said he felt it his duty under these circumstances to save the girl, at all hazards ; she loved him devotedly ; she hated her husband, and he tyrannized over her, and was dragging her down to destruction. I use his words as near as I can recollect. Said as she was very proud and high spirited, and much above the generality of girls, she would fall the deeper when she fell, and he must save her, some way or other. Spoke of his visits to the house, and interviews with the family. I endeavored to draw from him some evidence of her attachment to him. He could give none. The facts that he referred to as evidence of her attachment, were, to me, evidence to the contrary. He said she would not speak to him, when he came into the room, in

consequence of her husband's forbidding it, but that as he left the room, he caught her eye, and saw the truth in it. He said it was evident enough; once when he was there, she threw herself into her husband's lap and kissed him, and as he left the room, she gave him a look of appeal to rescue her from destruction, and he determined to do it at all hazards. Told a number of other similar incidents. He gave as an evidence of her affection for him, that she once called him by her husband's name, Richard. A number of facts he adduced as evidence of her affection for him, which to my mind evinced dislike; but evidences of affection for Wight, he quoted as evidences of love for himself.

The evening in which she gave him that look, he said he made up his mind that he would take Wight's life. Said he thought that to be sure that he was right, he would consult some friend, and get his advice. He took a walk out into the country with a friend, Barnett, who dissuaded him from it. He then adopted another plan. It was to go to the house, call the family together, and tell the whole story before Wight, to expose Wight's villainy, from the beginning; he didn't know how it would result; it might be that when Wight found himself understood, he would leave the house and this part of the country and go off, or he might get excited and get angry, have a scuffle, and that in it, one would die. If Wight killed him, it would be done without due provocation, and he would lose his life. If he killed Wight, people not understanding his reasons for it, would want him executed. In either case the girl would be safe. It was a matter of apparent indifference to him which way.

I expostulated with him on this view; I said you violate the laws of God and man, the law laid down in the Bible, and the laws of the land; but he said he took a different view of the Bible doctrine about killing. Said that in many instances in the Old Testament, the taking of human life was highly commended. Spoke of the staying of the plague by Phineas' killing Zimri. Quoted from Tupper's Proverbial Philosophy, from the article on Subjection:

*"Also, in the rescuing of innocence, fear not to smite the ravisher;  
What though he die at thy hand? for a good name is better than the life;"*

said that in Proverbial Philosophy, Phineas was highly commended. We had an argument about it. He said life to him was a burden, he had nothing to live for; if by giving his life he could rescue from certain destruction this girl whom he loved, and who so devotedly loved him, he didn't see as he could do anything better with it. He said it was a cheap price to pay for such a great end; it was a fair mercantile transaction; he paid for it as much as it was worth. Said he had done right in doing as he had done. People didn't understand it, and he might have to suffer. He said she was very much distressed now, but that the great trouble was the liability of exposure, that now the secret of her seduction must come out. He said that she would by and by get over it, and be glad that she was saved from this destruction; that it was misrepresented to her, and that very likely people now spoke

against him to her. He spoke with surprise that she did not visit him in the prison. In all this he spoke calmly, and with every appearance of believing it. He seemed to speak with entire conviction ; substantiating his opinion by assertion, his reasons were absurd. He seemed to regard it as his mission to kill Wight. The second interview corroborated this. He went over the same ground. At the first time he told his story. At the second, I questioned him. I think he knew me at my second interview ; think the officer who introduced me to him, called me Dr. Butler. I did not take special pains to conceal myself. At this interview I asked him what chance of escape he supposed he had. He showed very little care about the issue of the trial ; said he supposed that his counsel would plead insanity. I made no reply to it. He spoke of it slightly, without any interest.

From these evidences, I came to the conclusion that at the time of the homicide, Clark was not of sound mind. Taking the whole of his story together, I was satisfied of that fact. I saw nothing in Clark's personal appearance which might not be mainly accounted for by his confinement in prison ; saw nothing in that which I should much rely on, except his entire coolness, resulting from his clear conviction that he had done right in the matter.

Have not taken minutes during the trial ; have given it my undivided attention. I find my opinion of his insanity confirmed by the evidence on the trial, which, supposing it to be true, testifies to his peculiarity of manner, &c. &c. The silly, senseless laugh, spoken of, is the strongest corroboration. It is indicative of disease ; it is such a laugh as is seen in an insane man ; it would strike a casual observer ; other corroboration is his indifference to business, that he tells the same story about these females, and the story of his, told at Chicopee, that the women all liked him, but had the luck of getting married to somebody else. He told me the same story he told others, and it is both the strangeness and this fact that strikes me. Other appearances of distress of mind and his singularity, causing apprehensions of suicide, are confirmatory of the general conclusion. The depositions showed to my mind that the same cause some years since produced similar results in 1852 and in 1854. The symptoms at this latter time would be more likely to occur from having occurred before. The testimony of Dr. Croswell bore upon the point that he was sensitive, and that of Mrs. Parmalee about his being found fault with in the store, went to show that he was disposed to morbidly sensitive feeling. Upon such an individual the effects of great grief and disappointment are more likely to be permanently depressing on the mind, than upon one of a more elastic temperament.

Insanity, like many other diseases, is transmissible, hereditary. Other things equal, the child of consumptive or insane parents is more liable to incur those respective diseases, than others ; that is, to possess the predisposition. It is rare that we find cases plainly similar to this. I recollect one case. [Dr. Butler narrated what he considered a somewhat parallel case.]

I have one hundred and ninety-four patients at the Retreat. The

majority are females; ninety are males. I have had cases exhibiting similar evidences of insanity as the prisoner's, under my charge. I often see cases of insanity, where an ordinary observer would not observe it for weeks, if he were with the patients. There are some now in the Retreat who have the liberty of the town, and there always are. There are patients, too, there, who to a casual observer would give no indication of insanity. Patients are sometimes very ingenious in concealing insanity. The effort is not very frequent. I have known patients conceal it so that the insanity was not perceptible for months. When it was discovered, it was very palpable. I detected it. Men of all professions find their way to the Retreat. I would hardly put myself in the care of a physician who was a patient in a Lunatic Asylum, but often the advice of patients in their professions is reliable to a certain extent. The insane idea is not always prominent, and not always called out. Men are not insane upon all points, generally. Cruden, the author of the Concordance, was an insane man, but his work is a monument of industry and learning.

*Cross Examined.*—I had an interview with Mr. Chapman before I came down, August 4th, about this case; I came down at his request—the details of the case were stated to me very generally; do not remember that Mr. Chapman expressed the belief that he was insane; he told me he suspected his insanity; he stated circumstances to me which led to his suspicion that he was insane; he did not designate the day when I should come down; I gave no intimation when I should come down, I think, except to my family; no one went to the prison with me; I told the jailor I wanted to see Clark; I did not tell him why I wished to see Clark; if he asked me why, I do not remember it. I think Mr. Bryan—the old gentleman—went in with me; don't know that he said anything to Clark; I did not state to Clark my object in coming there; don't know that I told Clark that I had been told to come there; I think I told him that Mr. Harrison said he might talk with me.

I had an impression that he might be beset with company and would not want to talk. I did not tell him where I was from. The first visit I talked with him in his cell; the second in a room in the prison; no one was present at the first interview. I did not feel of his pulse, or inquire particularly about his health, appetite, &c. at either interview; I never have; saw no reason to do it; he appeared much as other prisoners would. Don't remember that I read the circumstances of the event when it occurred. I told him I wanted to talk to him about the trouble he was in. We talked conversationally; there was nothing of special importance about his personal appearance, at either of the interviews. He told me this story, which I deemed a mass of absurdity. I was impressed by the cool, honest, evidently sincere manner in which he told the story. He manifested a general indifference about his trial, not an entire indifference; at times he seemed a little uneasy about it. I did not lead him by inquiry, to any particular interview with the girl. It was not as punishment for what he had done, that he was to kill Wight. I don't remember the time of the appeal by the eye being

made. It was at one of his visits to the house. It was soon after this interview, that he went to walk with his friend Walter Barnett. He said that he went up and proposed to be married to her immediately, that they had some difficulty, and then broke the engagement; he said he asked her to give him a writing.

It struck me that the story he told was a delusion, in respect to the love of the girl for him, and as to the character of Wight. Had no opportunity of judging when his delusion or hallucination commenced; it seemed to gather strength as it went along. Do not believe he would have committed the homicide, if he had not been laboring under the delusion. I think the delusion existed for some time prior to the homicide.

I should call this species of insanity, mania; I mean unsoundness of mind; not as I have seen mania affecting the entire mind; it was not monomania. That is where the insanity is limited to one subject.

This is a case of general unsoundness of mind; in such cases the party may manifest ability to do business. A casual observer might mingle in one of our parties at the Retreat, and not detect the patient from the attendant. I determined the insanity of the prisoner by his delusion about the girl, general appearance, inattention to business, &c. This unsoundness of mind might affect his ability to decide between right and wrong on some subjects. Clark might be able to discriminate on general topics, and not on particular ones.

He undoubtedly felt it to be right to kill Wight. Might discriminate between right and wrong in many cases. Insanity on one point alone is monomania. I rarely see pure, simple monomania; have little faith in its existence, do not know as I ever saw it, it is rarely seen; insanity is like other diseases, the affection of one part more or less disordering the whole. It is not always the case that general unsoundness of mind will show itself in general actions, to a casual observer. This is one of the cases where it does not. The development and approach of insanity are often gradual, sometimes very sudden. Often, insanity may be developing gradually, and go on for some time and not attract observation, until an overt act of extraordinary character attracts attention to it. Frequently its first indications are faint, its approach resembles the change from day to night, and we cannot fix, in the intermediate twilight, the definite point of its commencement. I do not regard every criminal, as a man of unsound mind; the commission of a crime is not *prima facie* evidence of insanity; I believe that sane men frequently commit crimes.

The actions spoken of in Massachusetts, could not reasonably be consistent with sanity. Absent-mindedness and inattention to affairs, and depression of spirits, do not necessarily indicate insanity. They do, here. Opium, or a stimulant, would not cause such indications as his case presents. I know of no stimulant or drug that would produce these symptoms. I cannot state the period when responsibility for action ceases, in insanity. A man may know all he is doing, and yet not be responsible. Clark quoted the Bible freely, to support his killing Wight. An insane man does not, as a general thing, try to con-

ceal his insanity. If I were to see a person who I knew had been disappointed, draw his knife across his throat, I should regard it as evidence of liability to commit suicide.

Clark was generally cool and collected while I talked with him. Did not ask me why I was so particular in my conversation. Some persons with mania, have the liberty of the town, at Hartford. If one of those men were to stab a citizen, my opinion of his responsibility would depend on the case. One would not be an insane man from such a fact alone. The absence of sanity does not always imply absence of consciousness of right and wrong. A man may be insane and have a consciousness of right and wrong; not in reference to any act, but in reference to individual actions. No one was present at the second interview. I am not certain that Clark then knew me.

*Examination resumed.*—Some patients go out in an omnibus, at Hartford, with a driver, and one attendant. The carriage goes out six times a day. There are some whom I cannot allow to go; very few. In the testimony which I have heard, and what I have seen, there is nothing leading to the suspicion that Clark's insanity was simulated. It would be *very* difficult to simulate such symptoms of insanity. In case of general unsoundness of mind, the patient may be conscious of right and wrong, abstractly, and yet so far as *he* is concerned, not be. I believe he thought it right and his duty to take life in this particular case; I think that upon this matter, he did not discriminate between right and wrong.

COURT adjourned.

*Friday Afternoon, September 21st.*

COURT opened at 2 o'clock.

*Pliny Earle called and affirmed.*—I am a physician. I have devoted my attention to insanity for fifteen years; have been resident physician at asylums for seven years, and visiting physician for three years. I was a resident physician two years at Philadelphia, and five years at Bloomingdale, and am now visiting physician to the New York City Hospital for the insane, on Blackwell's Island. I have visited European institutions. Visited the prisoner the afternoon of the 26th of July last. Was with him a little over three hours. Saw him two hours on the following morning. Conversed with him about the history of his case. He gave his account of the whole affair from his first acquaintance with Miss Bogart to the shooting. Mr. Harrison was present, at my suggestion. We had long conversations. He began with his first knowledge of the young lady as a school girl. Spoke of his becoming acquainted with her as she passed his store. Afterwards there was an attachment. Spoke of his furnishing her teachers in dancing and music, of giving her presents; talked a good deal about the melodeon. Spoke very feelingly of his strong attachment for her; at one time wept. Made a strong effort to control his feelings. I asked him why he wept; he said he could not help it. He spoke of having several conversations with Mrs. Bogart, and his language tended to impress upon me that Mrs.

Bogart favored his marrying her daughter rather than Wight. When he tried to give the reasons, they were reasons that to other persons would not convey any such meaning. He said the reason of Wight's wanting to marry the girl was to break up the match; he was fond of it, had done it before. He said no one of Mr. Bogart's family liked Mr. Wight. Throughout the conversation he tried to give the impression that he thought much of her, and she of him. He could give no evidence of this latter assertion, but on the contrary any other persons would believe from his reasons that she disliked him. I cannot give his precise words. I do not remember details on many topics of which he spoke, that had no special bearing on his insanity. He stated that Wight had gained a power over the girl by seducing her; that she married him through fear of his exercise of that power; that his, Wight's, object in marrying her, was to ruin her, to make her miserable. He said Wight's object in getting her from her parents' house was to complete her ruin. I asked him several times the reason why he believed that Wight had seduced her. He said once, he knew it, it was so. He said Mrs. Bogart was aware of the fact. He quoted a remark of her's to prove it, which did not convey any such meaning as that. He said that the girl loved him better than she did Wight; that he had seen it by her eye and her countenance; that she dare not speak of it through fear of her husband. He placed a good deal of stress upon the fact that one time she had called him Richard, the name of her husband. He believed that her mind was so much on him that she called him by the name of her husband, because she thought he ought to be her true husband. These statements were not made to me apparently to convince me that the girl loved him. He appeared fully to believe them. His conversation was entirely free, sincere and artless. He gave the account of Wight's acquaintance, and breaking off with her, and said that when he, Clark, renewed his attentions, Wight returned.

He talked about the homicide. He told of borrowing the pistol, told the reason he gave, said it was to shoot a cat about the store; gave an account of his visit to the family in the afternoon, and trying to see them all together. He said if he could get the family together and expose Wight, he thought there might be a conflict, and he was pretty confident as to the result. He gave me to understand that he should probably kill Wight; he might have said he was the stronger man. The second time he went up, that afternoon, he put the pistol in his pocket, not expecting to use it, but thinking that it might be needed. He spoke of going into the back room. His account agreed with Mrs. Bogart's testimony. He said when he went into the front room he walked backwards and forwards two or three times, then took out the pistol and shot the man. He said the shooting was simply mechanical; he acted without volition. By this he expected to prevent the removal of Mrs. Wight from the house of her parents. Said if he, Clark, were killed, it was of no importance. The ~~whole~~ idea was that it was his mission to kill Wight, and save that girl from ruin by preventing her from being taken away. I felt of his pulse; found it more rapid than usual; did not give much importance to it. I think that at the time of his com-

mitting the act, he thought it right; think it is not possible for a man to simulate insanity in a case of this kind while under examination. The idea never occurred to me that he did. In considering the whole history of the case, I should go back to the death of his mother, as making a great impression on his mind; then the disappointment at Chicopee causing a depression of spirits and a change of manner, &c., for causes leading to my opinion. The change of his appearance at a later time, peculiarities of manner, abstraction of mind, expression of countenance, eyes, wildness, and a few expressions of his, would be others. His inattention to business, leaving his bed, pressing his head, starting up at times, and his using the knife, have a bearing on the question. If any one was in sight, to his knowledge, when he did the latter, I would not give the action much attention. The silly laugh is the thing of the most importance. In a man once made insane by great grief, an equal grief subsequently would probably cause a greater degree of mental disturbance than at first. Such kind of mental distress as this man had, is an efficient and sufficient cause of insanity. These circumstances confirm my opinion, drawn from personal observation. I think he was an insane man. One of the strong evidences of his delusion and belief that it was his mission to save this girl from impending destruction, is the fact of his continuing to go there after the marriage, and interfering. The carrying of papers there, too, was part of it. There is such a thing as hereditary insanity. The son of an insane father would, other things being equal, be more likely to be insane, than another person.

*Cross Examined.*—There is no such thing as an accurate classification of cases of insanity; one person might put this case under one head, and another person under another. I should place it under the head of what the books call monomania. Those who are most devoted to the subject of insanity, differ about the classification, in many cases. I place it where I do, because his insanity was apparent on only the one topic of his attachment to this lady. Should not say that his mind was enough affected on other subjects to say that he was insane upon them. I don't consider his mind sound on any subject connected with this girl. They are trying to roast me, might come from a man in *delirium tremens*, or approaching it. The mind of a monomaniac is not generally considered perfectly sound on other subjects. Others might class this case as one of melancholia. I think this man was laboring under delusion at the time of the homicide. One delusion, I think was, that Mrs. Wight liked him better than she liked her husband. Another is, that Mr. Wight married her merely to effect her ruin. Another was, that it was his mission to put him, Wight, out of the way. I have in what I have said, intended to give the substance of the conversation between myself and Clark; I mean the leading ideas. My intention always is to weigh the whole evidence furnished by a conversation.

One reason that he actually assigned for believing that Miss Bogart was fond of him, was that when they met and parted, they kissed each other. When I traced it out, he said, she didn't kiss him so more than once or twice. The question was asked him, if she kissed him so. He

said she was too proud or too modest to let him see that she loved him; but she did. He spoke at length of the dancing, and the journey to Waterbury. There was no effort on his part to force me to believe his story. I think he then believed it. He told me he borrowed the pistol to kill the cat. I pressed him on that point. He insisted that he did not borrow it to kill Wight. He said it was his fixed intention to kill Wight, if there was a conflict, but not with the pistol. The talk about this killing was not consecutive.

I came here on the 26th of July, to visit Clark. I had been told some of the circumstances of the case. I was told in effect that they wished to ascertain whether he was insane. Mr. Harrison asked me to come. He came two days before Commencement, and spoke of the homicide. Don't know whether he said that any one believed him insane. He stated some things in evidence which he said could be proved, peculiarities of conduct in his store, things at Chicopee, &c. He gave me a brief history of the case. So far as I have any knowledge or belief, I presume Clark did not know me. I believe Clark had not the slightest reason to suspect why I came to him. Mr. Harrison said I was a friend of his, and wished to hear the whole history of the transaction. The history was almost exclusively by inquiry on my part, and answers on his. Mr. Harrison asked one or two questions, but they were not such questions as I should have asked.

Depression of spirits, absence of mind, and inattention to business, may all exist without insanity, in one person. I am not prepared to say that the starting up, and the silly laugh, *with* these others, could. You have in the case of this man a remarkable combination of symptoms. Leaving out the silly laugh, I think the others might. A person of a sensitive mind, under the influence of stimulants, might exhibit these symptoms, without insanity; such a temperament as Clark's might. In giving my opinion I have made it up from all the circumstances I have mentioned. I think the evidence about the Massachusetts trouble is chiefly valuable, in making up an opinion, as showing that he had suffered before. I think those occurrences increased his predisposition to insanity, and that the insanity produced the homicide.

Monomaniacs are not affected as to their discrimination on subjects of right and wrong, in matters foreign to the subject on which they are diseased. In the monomaniac I am not prepared to say that the consciousness of right and wrong, on a particular subject, is always destroyed. Insanity, so far as classification is concerned, is a subject of doubt among experts.

*Examination resumed.*—Two professional men looking at the same facts in the same way would not always class insane cases alike. Discussion about mania and monomania is rather a discussion about difference of words, than difference of things, a question as to which pigeon hole you would put a bundle into. A man exhibiting the four symptoms selected by Mr. Foster, and those only, *might* be decidedly insane. I have no idea that the symptoms in this case resulted from the use of stimulants. Mania does not necessarily destroy consciousness of right and wrong on all subjects.

*Isaac Ray called and sworn.*—Reside in Providence. Have charge of the Rhode Island Insane Hospital; have had for eight years; I was in the Maine Hospital about four years; have given my particular attention to insanity for twenty years; I have published a work on Medical Jurisprudence of Insanity; it has gone through three editions here, and two abroad; I have never seen the prisoner at the bar, except in this Court House. I have been here from the commencement of this trial, to this time, and taken notes; never conversed with the prisoner.

It appears that a change commenced in this man as early as November, 1854, and that this change continued increasing up to the day of the homicide. The change was manifested by absence of mind, cavalier treatment of customers, fiddling while customers were in his store, not noticing customers, saying he didn't know things he did know, disregard of his personal appearance, shutting up shop and going away, jumping over fences where there was a gate, going to Chicopee improperly clad, inviting a girl to a dance in New Haven when he was in Chicopee, giving her a five dollar gold piece, though he had never seen her before, his conduct as related by his sister, leaving his bed and sleeping on the sofa, and his carelessness as to business. If all these circumstances left any doubt in my mind as to his insanity, the doubt would be removed by the testimony of Drs. Butler and Earle. In his notions about Miss Bogart I find a gross and very well defined delusion. The affair with the Massachusetts girl produced much mental disturbance, though I am not prepared to say that it amounted to insanity. However that may be, he recovered from it, partially at least, though it probably rendered him more susceptible of a subsequent attack. If it be proved that his father was insane, that furnishes a strong presumption of predisposition. As bearing on this point, I would notice his turns of depression when young. This trait generally indicates hereditary disorder. It is my belief that he was an insane man at the time of the commission of the act. If Drs. Earle and Butler gave a true narrative, those circumstances would positively indicate insanity.

HERE the DEFENSE rested.

The ATTORNEY proceeded to introduce, as follows,

#### REBUTTING TESTIMONY FOR THE STATE.

*Lee Dunning called and sworn.*—Live at 84 George street, two blocks from the store of Clark. I know him—have for the last eight or nine years. Have been in the habit of seeing him frequently. The last two years I have not seen him as much as formerly. I was a policeman last year. Arrested the prisoner on the evening of 28th of April. I had started on my beat—on the corner of Chapel and High streets, I was met by Mr. Dibble. I went with him to the corner of York and Chapel, and then to the store. Went in—Clark stood outside the counter. I said good evening, Willard—he said good evening. I said, Willard, what in the world have you been doing? He said, I don't know as I can tell

you all about it now. I took his arm and said, you will have to go down town with me. He then took out of his pocket a roll of bills, and said, take this money and pay Mrs. Parmalee for the milk we've had, and I will see you again. He then said, I am ready. We went out on the pavement, I having hold of his arm. Soon after, I let go of it. On Temple street, I asked him if this was a premeditated thing. He hesitated and said, not exactly—that was all. He appeared as well as he ever did, to me. I never saw in him instances of starting abruptly, or a wild glaring appearance of the eye. I have heard the testimony here. I have seen him since in prison. His conversation has generally been inquiries about the Bogart family, and that he would like to see them—said he supposed Mrs. Wight thought herself very unfortunate to lose her husband in such a way. He never said anything about Wight. He asked what people's opinion was about the case. Told him there were so many different ones, I could not tell. Saw none of the peculiar appearances when I was conversing with him. His appearance was the same as always.

*Cross Examined.*—On the way to the prison, he was perfectly cool, and self-collected. Spoke of the transaction but once. Have seen him twice in the jail. Did not remain long with him. The first time was two weeks after the arrest. Asked him if he was lonesome. Said no, not very; he was at times. That is all I remember. The second time was about four weeks after that one. I only passed along and spoke to him. He did not express surprise that the Bogart family did not come to see him. He did not say which of the family he would like to see. He said he should like to see the family.

*Edward Bryan called and sworn.*—I am assistant keeper of the County Prison. I recollect Dr. Butler's visit to the prison. Mr. Harrison came in and said Dr. Butler would like to see Clark and have some conversation. Dr. Butler came. I saw him. My father waited upon him in, in the morning; I, in the afternoon. Was at the prison when Clark was brought in. I have seen him almost daily, since. I have noticed nothing extraordinary in his appearance; have spoken to him every day. His appetite has been generally very good. Never noticed anything peculiar. Have had some conversation on general topics since he has been there. Never talked with him about this transaction. Was at home when Dr. Earle came.

*Cross Examined.*—Mr. Harrison didn't come with Dr. Butler. Dr. Butler has been there two different days. It's my simple impression that Mr. Harrison came there before Dr. Butler did. It may be a mistake, I am not positive. We don't allow people in general to converse with prisoners, only those we know.

*Charles Beers re-called.*—Have lived in Clark's vicinity seven or eight years; I was in his store between 6 and 7 on Saturday, April 28th, before he returned the pistol. I bought some articles of him; I bought some lobsters; I was going to buy some ham; he was preparing to cut it, when he said it was not very sweet around the bone, otherwise it was. I told him then I did not want it. He cut off a piece, wanted me to

taste of it, said it was very nice except that. I told him I didn't want it. He didn't appear strange; he never did to me. Never observed any change of demeanor in him; think I should have seen it if there had been any; should think it was before that he returned the pistol.

*Cross Examined.*—My house is next to his store. I have been in his store, some weeks every day, during the past year, generally evenings; then again, not for a week or two; never saw a change in his deportment, dress or person. I was not present on any of the occasions specified by the other witnesses.

*Elisha M. Gorham called and sworn.*—Am acquainted with prisoner; have been for three years. I was at his store the evening previous to the homicide; I saw him and conversed with him; saw nothing strange or uncommon in his appearance. It was partly business that took me there, and partly old acquaintance. Have noticed no change in him, although I had not seen him previously for a year or two. For the past year up to the 27th of April, I don't know that I've seen him.

*Sherman W. Knevals re-called.*—I have seen Clark since he has been in prison. The first personal knowledge I had of him was after his confinement; first saw him the Sunday evening following the shooting. Dr. Punderson asked me to go down with him. When the cell was opened he seemed asleep. Dr. Knight asked him about his wadding the pistol; he said there were two wads, one he put over the powder and the other over the ball; he said he did not remember in what position Wight was when he shot; said the wad was made of paper; he rolled up a piece of paper, and said that was about the quantity he used; nothing else that evening. I have assisted in conducting a Sabbath school in the prison for a few years past; Clark came into my class; my intercourse with him was of a religious character. My intercourse with Clark was mostly on Sundays; have seen him every Sabbath since the second one he was there, except three. I discovered there were difficulties in his mind about the inspiration of the scriptures. He accepted reading on it, from me, to counteract his views. I gave him "Nelson's Cause and Cure of Infidelity." Afterwards he said he had made some progress, but the author referred to another book—"Butler's Analogy." He wanted it; I carried it to him on a week day. Had conversation with him then on his early religious training. He told me of his mother's instructions; he said his mother was a good, Christian woman, would read the Bible and pray, and learnt him to pray. When he went from home he found wicked boys, and he began to cease his vigilance, and give up these duties; this was the principal conversation I had. After that I asked him how he got along with the Analogy; he said he didn't read as much as before—his trial was approaching and he was anxious; could not confine his mind to a book long; this was in the fore part of August. During the time I saw him there was nothing peculiar in his appearance. One day, when I accosted him, he said, I am as well as you might suppose me to be, considering my change from an active life to one in doors. Never said anything about the homicide.

*Cross Examined.*—There were four to ten in my class. The number varied.

*Andrew Bryan called and sworn.*—I keep the jail. Remember Dr. Butler's coming there. Mr. Harrison came in, in the morning, and said Dr. Butler would like to come in, if convenient, and see Clark. I said, yes. He came with Dr. Butler, introduced him to me as Dr. Butler of the Hartford Insane Retreat, and I took him in and introduced him to Clark, as Dr. Butler.

*Cross Examined.*—Mr. Harrison came with Dr. Butler the first time. I can't identify the day.

*Examination resumed.*—I have cautioned persons not to converse with Clark. One morning the State's Attorney directed me to admit only certain persons to him; said he didn't want to be gazed at like a bear.

*Cross Examination resumed.*—The day that Mr. Harrison went up to the debtor's apartment with Clark, was the second time Dr. Butler was there.

*Examination resumed.*—Mr. Harrison wished me not to make known to Clark, that it was Dr. Butler of the Insane Retreat. I introduced Dr. Butler to Clark; Mr. Harrison did not go with him. I am very confident indeed that it was at Dr. Butler's first visit that I introduced him as Dr. Butler to Clark. I do not know that Mr. Harrison was out of town on the day of Dr. Butler's first visit.

*Rev. J. M. Garfield re-called.*—I saw Mr. Clark in his cell. I saw him two hours, the Monday after the shooting. My object was of a religious character generally. He inquired of me if I had seen Mr. Wight. Told him I had. Asked me his condition. Told him it was thought he could not recover from his wounds. He asked in relation to the family; he asked how they bore the affliction. He said he wished to obtain the newspapers, that it was a hardship for him to be deprived of that privilege. He was afraid the editors would prejudice public sentiment in relation to the transaction. He gave me a general account of his doings on Saturday at the house; said he had been there twice. Went in the afternoon, did not find Mr. Wight and his wife at home. Went in the evening, and found them there. Described the transaction; he somewhat hesitated in saying he had intended at that time to shoot Wight. When he went there, he said he didn't know exactly what he was about. Said it seemed to him as if there was a kind of mysterious influence over him, that led him to the transaction. He said Mr. Wight had given him serious offense. I conversed with him at different periods, sometimes more fully than at others. I reminded him that he had committed a great fault, for which he ought to repent. He said, in answer, that he didn't know as to that. I remarked, you have sent a fellow mortal into eternity without preparation. He said, what of that; I don't believe in any eternity for him or any other man; if he dies that will be the end of him. I said, you are candid to me, but you were not candid to the man of whom you borrowed the pistol. He said, I did shoot a two-

legged cat. Said I, do you intend to compare a fellow mortal to a beast? He said, yes, so far as relates to his death, it will be all the same. The next day, after he had heard of the death, he expressed himself fully satisfied. He said, I owed him a debt and I have paid it. He spoke of the consequences to himself, and expressed a good deal of solicitude about the formation of public sentiment. Told him the newspapers had told the facts pretty much as he had told them. He said, he must soon get an attorney. He spoke of Mr. Garrison, and I told him I guessed he could not find another better in the city. He thought the course taken by himself after he committed the deed, was a very judicious one; his going to his store and giving himself up, was better than to have run away. I told him he had behaved discreetly after the transaction. He expressed his satisfaction at the remark. At another time he spoke of the loneliness there.

COURT adjourned.

*Saturday Morning, September 22nd.*

COURT opened at 9 o'clock.

*Examination of Rev. J. M. Garfield, continued.*—I have but very little to say. To tell all our conversation would take some time. Only want to say what bears on this question, in my mind. Once he said that he had abandoned the principles of his youth, and become an infidel, by reading infidel books; among which was the *Vestiges of Creation* and some of Voltaire's works. Asked him how that suited his friends. He said that Mr. Bogart did not like it, that the young lady, Miss Bogart, didn't, that friends in the church had remonstrated with her. Said the cause of her separation from him was owing to his urging her so persistently to marry him. Said he had been indiscreet in his conduct towards her. Said he thought that though her attachment had been growing less, still her engagement to him would be a serious thing and tend to keep her to her word.

Said he had been injudicious in urging her so persistently to marry him. Said he couldn't remain in suspense. Wanted to bring the subject to a crisis. Said he thought that if he urged the marriage and made it a *sine qua non*, she would marry him at once. Said he was surprised at her discharging him. Said he had made a mistake. Said he had unwisely absolved her from all her obligations, and left her perfectly free. Said he felt on this subject after the marriage, painfully. Said he had conceived the object of going away to Massachusetts to relieve his mind on the subject, and shake it off. There he met one lady whom he thought of bringing home. Said if he had done that, he should never have committed the deed. Asked him if he had maintained his devotion as a Christian, would he have been a murderer. No, he said, he should never have done it.

*Cross Examined.*—Am in charge of St. Luke's Church, in Park street; have been for three years past; it is a congregation of colored people, and I officiate there gratis, except when I give them something.

Went to the prison to see the prisoner ; went there professionally, for the purpose of administering to him in the best way I could. I mentioned to him that I had just come from Mr. Bogart's. He asked me what had transpired there ; I told him I had seen the man in agony, suffering much at times. Every time I was there, he inquired kindly about the family ; did not ask about Mrs. Wight, in particular ; it was Monday forenoon I was there ; what I have said here was suggested and brought to my mind by the course of this examination. I have had no word with the Counsel about this matter. I went into a religious debate with him, about his state ; gave him a work—"Dr. Tyng on Christian Experience." Said he had read the *Vestiges of Creation*. Don't know who is the author ; think I have seen him ; I don't want to be examined on that book. I have given no reason to anybody why I intended to be a witness in this case ; did not so intend to be. I told somebody that I should have considered the prisoner's conversation as confidential, if he had received me as his spiritual adviser, but that he didn't believe in me, or my God, or my Bible, or any other man's. I never kept any account of my visits. I left off going there after I had given him Dr. Tyng's book. I might have called there a dozen times. He never refused, directly, to see me, as a minister ; I told him that in rejecting Christianity, and being an infidel, he threw by all ministration. I thought he wanted instruction, not argument.

*Smith Dayton called and sworn.*—Have seen Clark every Sabbath morning since he was arrested, but one ; have seen him sometimes in the week time. Called upon him as soon as was convenient ; had free conversation with him always ; my object was for his spiritual benefit ; he has always been calm and collected ; I never saw anything to indicate insanity in the least ; never saw any wildness or staring. I remember some conversations ; I did not think of being summoned here—when I was, I was surprised. Conversed mainly on religion ; once asked him if he was not under the influence of liquor, when the murder was committed ; he said no ; said he didn't sell liquor to customers ; said before the Maine law came into force, he supplied himself ; said he had not drank it all ; that he had given away a good deal of it ; said that he had been in the habit of taking a bottle of liquor in his pocket, in the evening, when he shut up his store, and going off to play whist ; said no one valued human life less than he ; he often brought this up. Talked with him some on infidelity ; asked him if he had read Tom Paine's *Age of Reason* ; said he had read one page, and that convinced him that it was true ; he never said anything against Wight, only he has desired to know the sentiments of people in reference to the act.

*Cross Examined.*—He has spoken some about the Bogart family ; never expressed surprise to me that they had not been to see him—have no idea that he expected any such thing.

*Jacob Gould called and sworn.*—I know Clark ; have for six or seven years ; have lived near the vicinity of his store ; have not seen him, frequently, for the last year and a half ; have before that. I have never seen any change in his appearance or habits. Saw him after his arrest.

I had, frequently, had conversations with him. Had had arguments with him. Called on Mr. Clark at ten A. M., Sunday, April 29th; called to see about the pistol. Saw him. He told me he borrowed the pistol of Mr. Beers. Said he borrowed it at one o'clock the day before; I asked if he intended to shoot Wight with it, he said, no, he intended to shoot a cat; said he was at Mr. Bogart's at four P. M.; said he saw Mrs. Bogart; had a conversation—asked where the folks were; said he knew Mr. and Mrs. Wight would go that evening, and inquired about it; said he did not take the pistol at four P. M., for he did not know what he might do with it; said he took it at seven, for he had it in his pocket; said he didn't take it for the express purpose of killing Wight; said he didn't intend to kill Wight's wife; said he had no other wish in killing him than to promote her happiness; said he had thought of killing himself; said he thought he had a right to, when he was a single man; said a man of family had not the right; said Mr. Bogart and his wife and Mrs. Wight had not ill-treated him; said he harbored no malice against Mr. Wight; said they two had had some difficulty; said they had words, and Mr. Wight talked pretty hard to him, but he said but little to Wight; said he left the pistol at Mr. Beers', on his way back to the store; said he saw Mrs. Beers and some of the folks; he told how he returned the pistol; said he didn't know how he came to commit the murder; said his infidel sentiments had nothing to do with it. I then repeated to him part of a conversation I had with him about two years ago; said he did not remember it. I asked him whether, if he had labored as hard to believe the Bible, as he had to make others disbelieve it, he would have committed the murder. He said he should not, for he would have been under more restraint. Went again by Dr. Punderson's request, at one P. M. to see if there was more than one ball in the pistol. He said he borrowed two balls; said but one was in the pistol. He took out the other and gave it to me. Said he borrowed caps of Mr. William Dickerman, but they did not fit, and the caps he used he bought down town. He was calm in appearance; appeared as usual.

Dr. RAY was here excused by the COURT from farther attendance, imperative business calling him home.

*Alfred Weld called and sworn.*—Saw Clark in the prison the Sabbath after his arrest. He was in my class in the Sabbath School. Noticed that he appeared a little agitated, nothing that would lead me to suspect that he was out of his mind. This was in the afternoon. The first Sabbath I could not get an answer to questions easily. I have seen him Sabbaths since. He has conversed with readiness and answered questions. He asked me if I thought the doctrine of man's free agency was taught in the Scriptures. He said it was not. We had an argument of an hour on it. He thought that man was more of a machine, moved on by some other power. He was always pleasant and familiar in these talks. He was milder afterwards than on the first Sabbath; seemed then to have something lying on his mind.

*Israel Harrison called and sworn.*—Knew Heman Clark. It was

about 1830 that I was at Naugatuck, and became acquainted with him. While there once, talked about an alarm time-piece; was partially acquainted with him. He had the reputation of being intemperate; he moved to this place with his family.

*Cross Examined.*—My two or three interviews with him were short. Don't remember anything of the conversation; he made the time-piece for me. The second was a brief interview. I knew him when he first came here; he frequently came to my shop. I have never discovered symptoms of insanity; saw him when I thought he was in disguise, never saw him drink, saw him appear in an unusual manner, and thought he had been drinking.

*Charles Harris called and sworn.*—Have known Clark more or less since he was a small boy. I deal in beer. I have dealt with him for three or four years; was at his store the day before the homicide. Thought he appeared different; can't tell how. I generally went there every day in the summer; not much in the winter. He didn't seem then to know whether he wanted anything or not. He was generally ready to tell what he wanted.

*John Esma called and sworn.*—I worked for Mr. Harris' father last winter. I am some acquainted with Clark. Saw him frequently. Was there the day of the occurrence. Saw nothing more than usual. Took beer and soda there; he bought of me. Never noticed any change in his demeanor.

*Mrs. Charles Beers re-called.*—Have been in the habit of going into Clark's store for years. We live next door. I never noticed any change in Clark's demeanor. Have been in almost every day, for the past year. Did not always see Willard. Have seen him once since his confinement. He appeared the same as always.

*Henry Lampson called and sworn.*—Have known Clark very well for five years. Often saw him during that time. Traded there four years; was in once or twice a week. Never saw any change in his appearance or demeanor. He was a mild, amiable man. Never heard anything to the contrary.

*Cross Examined.*—It was perhaps two or three weeks before the homicide that I was in his store; saw him the day of the homicide, in York street, asked him, at 5 P. M. if he had any top onions in his store; he said no. My boy was at his store, generally every day. I did not ordinarily accompany him.

*Examination resumed.*—That afternoon Clark was going to his store. Have had conversation with him about getting married, since January last. It was in his store, I think in that month; we were alone. I think he did his own cooking in the little back room. I said I should think you would get married, you are living alone so. He said his business was small; if he was married, he didn't know how he should get along, and so laughed it off.

*Lockwood Lake called and sworn.*—Know Clark, five years. Have lived in the same house with him, from 1850 to 1852. Have not seen him more than once or twice for eighteen months. Have been in his

store then. Saw no change in his appearance. He stood by his desk. I went in for some little thing.

*Henry Thompson called and sworn.*—Know Clark, for five or six years. Live in the third house from York street. Never noticed peculiarities about him. Have not seen him for two years back, more than two or three times; don't know as I have been there in two years.

*R. A. Strickland called and sworn.*—I know Clark; have traded with him a little; occasionally, for the last three or four years. Have noticed no change or peculiarities about him.

*Cross Examined.*—Live on the corner of York and Crown streets. Have had two or three small bills to pay there, which my family had contracted. For two years, I may have been in ten or a dozen times—from four to six times within the last fall or winter.

*Joseph W. Hammond called and sworn.*—Known Clark for two or three years. Have had business in his store—not a great deal, but frequently during that time. During it, I have noticed no change in his manners.

*Cross Examined.*—Till last May, I lived about two blocks from his store. My business with him was occasional, may have been in his store fifty times, perhaps more, perhaps less, for the last year. It was often; was in frequently during March and April—I seldom saw him during the last calls that I made there. He was generally in the back office.

*Samuel W. Davis called and sworn.*—Have known Clark for two or three years—have traded with him some. Never saw any peculiarities of appearance in him, or any change in his demeanor.

*Cross Examined.*—I reside a mile from his store. Have not seen him for the past year more than from three to five times, at his store.

*Isaac W. Judd called and sworn.*—Three years ago I used to trade with Clark; I have known nothing of him within two years.

*Henry S. Mandeville called and sworn.*—Know Clark for four or five years very well. Have never noticed any peculiarities of manner in him, or any change in demeanor or character. Have seen him sometimes once or twice a week; sometimes oftener, down to the homicide.

*David W. Buckingham called and sworn.*—Know the prisoner. Have for three or four years. Have had some business intercourse with him; not very considerable. Never saw any change or peculiarity in his appearance. I keep store on the corner of High and Chapel streets.

*William F. Hendricks called and sworn.*—I knew Clark since the spring of 1852. Have noticed no peculiarities of conduct, or change of conduct, in his appearance. I lived in the house with Mrs. Bogart when he used to call there.

*Hezekiah Gorham called and sworn.*—Know Clark; have for seven or eight years. Lived near to him. Knew him when he was with Parmalee, and when he was for himself. For the six or eight weeks previous to the homicide I noticed that there was a change in him. His store was not open in the morning, early. He seemed to be love-cracked. He was always kind and pleasant. I was in there a great deal.

*Cross Examined.*—I know he was excited at the time Canfield at-

tached him. He acted excited; he said he had been in Mr. Finch's store. Finch asked him for his pay. Clark said he had money. He was afraid Finch would take it. Got me to take it. I did. The money was counted before a witness. When the attachment was raised he came to me, and said, didn't you get some money from me one day? I told him yes; he didn't seem to know how much I had. I gave it back to him. He said Mr. Canfield was afraid he was crazy. He gave me no intelligent reason for putting the money in my hands.

*Examination resumed.*—Should think his brother was with him then.

*Timothy Gorham called and sworn.*—Knew Heman Clark in 1827. He used to be in Waterbury and New Haven. He was an intemperate man. He has been dead fifteen or sixteen years. He was a very intemperate man. Saw him frequently in the streets when he was intoxicated.

*Cross Examined.*—He used to be around the streets here, intoxicated.

*John W. Harris called and sworn.*—Knew Heman Clark. He was a dissipated man. I considered him intemperate. He had spells of drinking; made sport for men and boys; made odd expressions when he drank. When he was sober, he did not.

*Pliny A. Jewett, M. D., called and sworn.*—Had a short interview with the prisoner two or three weeks since. Visited him in connection with Dr. Knight. I had been requested by the State's Attorney to go and examine him. He was in his cell; said he knew me; said he would be more apt to know me than I him; said his health had been good since he was there. He asked me who sent me there. I told him Mr. Foster. He said, I prefer to have no conversation with you. Dr. Knight came in. I mentioned the circumstances to him, and we left. I told him I might come again in the afternoon. Did not go.

[The ATTORNEY asked why he did not; if it was because the prisoner's counsel told him it would not be desirable. Mr. CHAPMAN objected. That was a simple inquiry into the propriety of the counsel's conduct, and did not matter to this trial. The COURT said, if Clark declined conversation and referred him to his counsel, the fact of conversation between the counsel and the witness was admissible, and that conversation with the counsel as part of this conversation, was also admissible.]

I think Clark told me that he preferred not to talk with me until he had seen his counsel, that Mr. Harrison thought he had told too much. I told him I would see Mr. Harrison, consult with Mr. Foster, and perhaps come again.

[Mr. CHAPMAN now objected that no reference was made, but only a deference to his counsel. Question withdrawn.]

I did not go there after that.

[The ATTORNEY asked if Mr. Harrison had asked Dr. Jewett to go there, previously. Objected to by Mr. CHAPMAN. The ATTORNEY changed his question to, did you have any conversation with Mr. Harrison, previous to my request for you to go there?] I did.

[All objections to the narration of any conversations between the witness and Mr. Harrison were waived by Mr. HARRISON.]

I did not go afterwards because a message was left at my office; in consequence of which I did not go. I noticed nothing peculiar in this man's appearance. I have heard a good deal of the testimony in the trial. I should be unwilling to give a positive opinion of sanity or insanity, upon this case, on the facts presented to me.

[Mr. CHAPMAN objected to the witness giving an opinion from what he had heard. Not allowed.]

The facts I have heard and what I have seen are not sufficient to give me any conclusion as to whether he is sane or insane.

*Cross Examined.*--I had a conversation with Mr. Harrison about going to see Clark.

*Examination resumed.*--Mr. Harrison asked me some two months ago if I ever saw Clark; said no; wanted me to go; told him I would; told him I had been spoken to by Mr. Foster.

*Cross Examination resumed.*--The last conversation I had with Mr. Harrison, I spoke to him first; he expressed surprise that I had been there without notifying him. He told me there were some reasons why he wanted me to see him. He said it was an unusual thing for physicians to visit prisoners, and get unguarded expressions from them; said he was going to Hartford, and would see the senior counsel, and if he had no objections, I should be at liberty to see Clark. I think when he first spoke to me, that his language was, that he might wish to have me see Clark. Afterwards a message came to my office.

*Examination resumed.*--I have heard a large portion of all the evidence given here.

[Mr. CHAPMAN objected to the ATTORNEY's asking an opinion from the witness, from what he had heard. Not allowed.]

*Jonathan Knight, M. D., re-called.*--Have seen Clark twice. The last time was just after Dr. Jewett had seen him. In the interview immediately after the homicide, I noted his appearance in a general way. There was nothing that struck me in his appearance then. There was very little excitement about him, and if I was struck with anything, it was with the fairness and the minuteness of his account. Have heard two-thirds of the trial.

*Cross-Examined.*--Have detailed most of the first conversation.

*Stephen G. Hubbard, M. D., re-called.*--When I had my conversation with Clark, at the prison, I did not have it in mind to determine his mental condition. I thought of it, however, at the time. He exhibited emotion and an evident attempt to restrain it. His eyes looked as though he had been weeping. He appeared to be in excellent health. Saw nothing peculiar in him.

*Cross Examined.*--Have related all the conversation I heard and recollect. I am a practicing physician here; have been in the profession thirteen years.

*Andrew Bryan re called.*--I knew Heman Clark. He was an intemperate man; quite so. When not intemperate, he was a noisy man. He was generally under the influence of liquor.

*Cross Examined.*--Knew Heman Clark in Waterbury. I lived there;

moved here ten years ago. He died, as I am told, seventeen years ago. He left Waterbury, I think, thirty years ago, for Naugatuck. I only saw him occasionally afterwards. When I saw him, he was up at our place, was engaged in no business. Don't know as I ever saw him here. I know he drank a great deal; often saw him intoxicated. On all occasions he was a boisterous, noisy man; I should think his mind had been somewhat affected by the use of liquor.

*Examination resumed.*—He was simply a different man from what a sober man was.

*Henry W. Painter called and sworn.*—I was in Dr. Jewett's office. A gentleman called there about 8½ A. M.; asked for Dr. Jewett. I said he was not in. Said he had an appointment with Dr. Jewett, in company with Dr. Knight, to see Clark; said he thought it would be injudicious, and he now declined; said he was prisoner's counsel. I told the Doctor when he got back.

*Cross Examined.*—It was not an appointment Mr. Harrison had with Dr. Jewett, but one that Dr. Jewett had with somebody to see Clark. Mr. Harrison asked when Dr. Jewett would be back; said he would like to have him come to his office; said that at some future time he would explain the reasons why this was.

*John S. Butler re-called.*—I received a request from Mr. Foster to come and see Clark and form an opinion, and if I had seen him and formed an opinion, to give it to him. I wrote him in two days, saying that I had seen him, and should probably be present at the trial. I have not a copy of Mr. Foster's letter. I think it was substantially as follows: this was it:

*Dear Sir:*—Willard Clark, of this city, will be tried on a charge of murder during the present term, probably two weeks from Monday. I have reason to believe that the defense will be insanity. I have therefore to request, in behalf of the State, that you will make an examination of the prisoner in reference to the question of insanity; or, if you have already formed an opinion on that subject, will you give it to me at the earliest possible moment?

Respectfully yours,

E. K. FOSTER, *State's Attorney.*

I did not give Mr. Foster that opinion.

COURT adjourned.

Saturday Afternoon, September 22nd.

COURT opened at 1½ o'clock.

#### TESTIMONY FOR DEFENSE RESUMED.

*John S. Butler re-called.*—Have heard all the testimony that has been given since I testified. Have heard nothing leading me to change my opinion then expressed.

*Pliny Earle re-called.*—Have heard all the evidence in this trial. Since I testified, I have heard nothing to induce me to qualify or change, in any way, the opinion I expressed before.

The DEFENSE rested—the STATE also rested.

COURT adjourned.

*Monday Afternoon, September 24th.*

COURT opened at 2 o'clock.

Mr. KEENE opened on behalf of the State, as follows.

*May it please the Court, and you, Gentlemen of the Jury:*

The evidence in this case being at length all closed, the duty devolves upon me of presenting to you, in the opening turn, the claims of the prosecution; and in arising to do this, I trust that I am deeply sensible, as I doubt not you all are, of the very heavy responsibility which rests upon all of us engaged in the trial of this cause—upon the Court—the Jury—the Counsel. You are about, gentlemen, to discharge the most important duty which, in your capacity as jurors, can ever devolve upon you, and your verdict will have a very great influence, as in cases of this character it always has, in giving tone to the public morals and to the public mind. You are about to judge between the State of Connecticut and the prisoner at the bar—to pass upon a charge affecting the life of a fellow being; an important, a painful duty,—a deep and heavy responsibility, and it is of the highest importance, gentlemen, that you should discharge it without bias or prejudice of any kind, and administer the law with the firm, inflexible purpose of making it, as it is designed to be, subservient to the ends of impartial justice. It is a rule of law, gentlemen, which has prevailed in all ages and in every country, as the only safe, uniform regulation for the protection of society, and the security of the lives of the citizens; a rule given to us also in that Book upon which all human laws are or should be founded, and to which all mere human ordinances are subservient, that "Whoso sheddeth man's blood, by man shall his blood be shed." These words, alike of Holy Writ and human law, are unmistakable in their import. They tell, as plainly as words can tell, that the murderer shall not go unpunished. They also, it is true, impose upon us the solemn obligation to consider well and wisely, ere we perform the act of punishing by death; and it is this which the State now asks of you to do—to consider this case calmly, coolly, temperately, and to render according to the law and the evidence before you, such a verdict as in your judgments shall be just and righteous. Equal and exact *justice* is all that the State asks at your hands, gentlemen, for in no spirit of revenge or of malice, with no feelings of vindictiveness, does the prosecution place this man here upon his trial and ask at your hands a conviction. No, none of these; but for the protection of society, for the safety and welfare of the community, as an example and a warning to all evil-doers, and for the vindication of the insulted majesty of an outraged public justice, is the prisoner at the bar arraigned before you. Now what is this case that we are here trying? Let us look at it. It appears that upon the presentment of the Grand Jurors for the body of the County of New Haven, Willard Clark, the prisoner at the bar, is here indicted for that on the 28th day of April last, he inflicted a wound by shooting with a pistol, upon the person of

Richard W. Wight, of which wound he languished until the 1st day of May, three days after, when he died. Now murder is defined in the law to be "the killing of a human being with malice prepense or afore-thought, either express or implied;" or perhaps, in plainer terms, the killing of a human being with a premeditated design to effect the death of the person killed. So that we have here, four propositions to be considered: 1st, Has any person been killed? 2nd, If so, was the killing committed by the prisoner at the bar? 3d, If it was committed, was it under such circumstances as the law declares to be murder? 4th, Was the prisoner, at the time he committed the act, if he did commit it, legally a sane man? Now that the first and second of these propositions are true, cannot be denied. Nor can the third—that the killing was done under such circumstances as the law declares to be murder. So that the great overshadowing question in this case is—Was the prisoner at the bar, at the time he committed this act, legally a sane man? I propose, first, to review to you very briefly the evidence introduced on behalf of the State, to prove the homicide; then to examine the character and claims of this defense, and the rebutting testimony offered by the prosecution.

It appears then that on the 28th day of April, 1855, at about one o'clock in the afternoon, the prisoner called at the residence of Mr. Charles Beers, in York street, and inquired for his son. He was told that he was not at home, and turned to leave the house. That on Mr. Beers asking him if there was anything particular which he wanted, he turned back and asked if his son had not a pistol; that he was told that he had two, a revolver and a stub pistol, that the prisoner not being acquainted with a revolver, said he would borrow the stub pistol, and that it was given him. That he then asked for bullets, and Mr. Beers went up and procured two for him, that fitted the revolver; that the prisoner took them, placed one of them in the pistol, and then turned it out into his hand, saying it was small, but he could obviate all difficulty by using a wad. He then went away. During the afternoon, we find him in the shop of Mr. Dickerman, where he borrowed some caps. In the afternoon of the same day, at 4 P. M., we find that he went to Mr. Bogart's house, in West Chapel street, and according to the evidence of Mrs. Bogart, inquired for the girls. He was told that they were not in. He then inquired where they had gone. He was told they had gone to make calls. He asked when they would be in, and was told that she did not know. He then inquired if it was their intention to leave that house, that evening, and was told that it was. He expressed a wish to see them, and Mrs. Bogart remonstrated with him, finally requesting him not to call there again.

Between 6 and 7 o'clock the same evening, the prisoner called at the house of Mr. Bogart, passed through the front to the back hall, and in at the back door into the back room where the family were at tea. We find that upon entering, he saluted Mrs. Bogart and took a seat. No conversation ensued. After the lapse of some moments, Mrs. Bogart got up and went into the front room, and was followed by her daughter and her husband, who were in turn followed by the prisoner. That Mrs.

Bogart left the room to procure a cord to tie up a bundle, and when she left the room, that the deceased was in a stooping position. That the prisoner walked the room two or three times, after Mrs. Bogart left, that he stepped up to a glass door leading to the back room, looked through it and then walked around Mr. Wight, placed the pistol at his head and shot him. It also appears that from the effect of this wound Mr. Wight died. We have here, if unexplained and uncontradicted, the simple facts on which you are to find the prisoner guilty of murder.

Now it being impossible to deny or evade the facts in this case, the defense set up is that which is almost always offered, when, as now, the facts in the case are undeniable—Insanity. It therefore becomes your duty to consider the law upon this subject, and to decide whether or not the prisoner, at the time of the commission of the act, was legally insane. I use the term, legally insane, because it cannot, perhaps, be denied, that every criminal is, at the time that he commits any heinous crime, laboring under a sort of *moral* insanity. It may perhaps be contended that no murder was ever committed without this clouding of the moral perceptions; but this is not what the law recognizes as the insanity which shields a man from the consequences of his criminality. I am not about, gentlemen, to enter into any long or labored inquiry into the subject of insanity. It is one of those phenomena over which hangs a thick and almost impenetrable veil—its causes, its nature, the whole subject, is one which even in this advanced stage of science, is comparatively obscure. Difficult indeed is it to draw the line and say where perfect reason ends and partial insanity begins. I am not about to enter into the subject; there is no necessity for me, or for you. The rule of law—the test of responsibility for crime—is so clear, so plain, so well established, that he who runs may read. It has been so often recognized, so frequently laid down by our Courts and Judges, that it cannot now be controverted. The test of responsibility for crime, then, as I claim it to you, is simply this: it consists in the person accused being conscious at the time he committed the act, that he was doing a deed contrary to the laws of God and man. That is the plain, simple rule, the only one that can with safety prevail; for as was well remarked by a learned Judge, “If courts of law and juries are to be governed by any other principle, every departure from sober, rational conduct would be an emancipation from criminal justice.” And if, gentlemen, you should adopt or sanction by your verdict the adoption of any other rule, look for one moment at the consequences.

Every eccentricity—every departure from the ordinary, sober, rational conduct of men, however slight, however trivial—would be an excuse to deliver a man from the consequences of the most heinous crimes. Are you willing by your verdict, gentlemen, to establish any such rule? Will you overthrow the old, well established rules of law, and put us, put yourselves and your families, at the mercy of any and every villain, who, after having rendered your hearth-stones desolate, and your houses, houses of mourning, may come into court and escape the punishment

due to his crimes, because, forsooth, some woman may come into court, and testify that for some weeks she thought that he had acted queer? I do not believe, gentlemen, that any such doctrines as these will find favor in the eyes of a Connecticut Jury.

I call your attention to the rule in our own State, as laid down by the Chief Justice in the case of the *State vs. Woodford*. He says: "Even if the jury should find that although the prisoner was at the time of the transaction either partially or generally insane, but yet not to such a degree as to be unable clearly to distinguish between right and wrong, or to impair, in any essential degree, his force of conscience or his knowledge of the full guilt of the transaction—in such a case his insanity would not excuse him, and the law would hold him responsible." So in the case of Rogers, (7th Metcalf, 502,) Chief Justice Shaw held, that "if he knows that he is doing wrong, he is to be held responsible, though the mind may be partially diseased."

And now let us look at the character and claims of this defense, promising, first, that the law presumes that every man is of sane mind and responsible for his acts, and the whole burden of proof rests on the shoulders of those who set up insanity as a defense. The prisoner must prove that he is insane—not the State that he is sane; and it must be proof complete and satisfactory. The proof of insanity, from the defense, must be the same proof which the State would be bound to produce of facts alleged in the indictment.

Now if I understand the character of this defense, it is this: that while Mrs. Wight was a little school girl, the prisoner had formed an attachment for her, which, as their acquaintance progressed, became stronger and stronger, until, at last, with the consent of her family, they entered into a formal engagement of marriage. That this engagement was afterwards broken off; but that the attachment continued, on the part of the prisoner, until her marriage with the deceased, and that this disappointment and the marriage so unsettled his mind, that at the time of the commission of this homicide, he was of an unsound mind;—that he was predisposed to this unsoundness of mind, from a previous love affair at Chicopee, Massachusetts, and also that there was an hereditary predisposition.

The attempt to establish this defense has, in my opinion, most signal-ly failed. In their evidence here, a great number of facts are testified to, which have no direct bearing on the question at all. Take the testimony of Mr. A. C. Chamberlain. It appears that Clark bought a sofa of him, and when he went to get the pay for it, he says that Clark ap-peared peculiar, but upon cross examination he don't know what he did; don't know what he said; don't know how he looked; don't know how he acted; in short, don't know anything about this case. There are a number of other such witnesses. Take another. Mr. Gallagher speaks to him on the street, and he doesn't return any answer; and so you are called upon to declare him insane. Now all that the defense have proved, gentlemen, amounts only to this: that the prisoner has at times suffered from a depression of spirits, that he has been abstracted

and inattentive to business, and has sometimes been seen with a silly laugh on his face.

From these circumstances, and from having seen him in prison, two respectable physicians testify to you, that he was laboring under a delusion; and that this delusion was, 1st, That Mrs. Wight loved him better than her husband. 2nd, That her husband had married her solely with the intention of effecting her ruin, and that consequently it was his (Clark's) duty to kill Wight. Now the State claim, gentlemen, that he never labored under any such delusion; and, secondly, if he did, there is no earthly reason why it should affect this case. Now the whole theory of this defense is based on the position that the prisoner had a strong, lasting, and *pure* affection for this young lady. Now what is the proof? That it was his own base, unmanly and licentious conduct, shocking the innate purity of this young girl, that led to the breaking off of this engagement. Now I can conceive of a passion so strong, so pure, that its disappointment *might* overturn the intellect, and cloud the reason, but it is a very different feeling from that which this prisoner is proved to have entertained.

The State, too, have proved to you that it was at the earnest request of this prisoner that the engagement was broken off, so that he could have experienced no disappointment. But supposing the fact to be so, (which we utterly deny,) that he was laboring under this delusion, it still in no degree excuses him from the consequences of his crime; for there is still a rule of law, which the defense seem entirely to have lost sight of, which is this, that the assumed facts of an insane man must be such as, if true, would justify his acts. As, for instance, a man is laboring under the delusion that his neighbor intends to kill him. They meet, and from some motion he thinks that his neighbor is about to put his design into execution, and so in supposed self-defense, shoots him; there his delusion excuses him. But suppose he is under the delusion that his neighbor has slandered him, and so shoots him. There his delusion is no excuse, because, if true, it would be no justification. So here, suppose that this delusion under which they claim this man acted was true, suppose Mrs. Wight did love him better than her husband; and that her husband did marry her only to ruin her, it would not have justified him in the act he committed. So then neither can the delusion that the facts were so. But the great test, after all, gentlemen, to apply to this case, is still this: A man's mind may be diseased, he may have strong, ungovernable passions and vicious inclinations, he may have cherished morbid sentiments and ideas; worthy physicians may consider him insane; and yet the law may still hold him amenable to her tribunals. Did the prisoner, then, at the time the act was committed, know that he had done wrong? that his act was a violation of law? that it was a crime? If he knew that his act was a guilty one, he then had that moral sense and free agency which makes him responsible to the law for his conduct. This is so plain and so well established, that I shall take up but little time in quoting authorities.

It appears (1 Russell on Crimes, 13) that if the prisoner has a par-

tial use of his reason, so that he is conscious of thought and design, that thought is held sufficient to enable him to discriminate in moral acts. So also in Winslow's Plea of Insanity, pages four and eight. Let us apply these principles to this case and note the result. Take the testimony of Martin Gunn. Does the Jury believe from that evidence, referring as the prisoner did to the public opinion of his case, that he was incapable of deciding on the right or wrong of his case? did he not know that he had committed a crime against the laws of God and man? Take the testimony of Mr. Knevals, and every word that witness said, gentlemen, is entitled to your careful attention and implicit belief. This testimony is valuable to two ways: 1st, as showing the state of the prisoner's mind, and, 2nd, as contradicting the testimony of the physicians, for I think Drs. Butler and Earle both said that Clark manifested the utmost indifference as to the result of his trial.

Was a man capable of reasoning in the manner Mr. Knevals testifies to, unable to discern the difference between right and wrong? And further he said that as his trial came near, he was considerably anxious, and could not confine his mind to a book. Why was he agitated? He thought that he had done right, you will be told. But what fear could he have, if he was incapable of deciding as to what was wrong? There is, however, another witness, gentlemen, whose testimony, if there were the slightest doubt as to the state of the man's mind, would remove it. The witness is the Rev. Mr. Garfield. What does he say that Clark said about the newspapers? And yet he had done nothing wrong! Did not the man know that the act he had committed would subject him to punishment? Then, too, Mr. Garfield testifies to another thing, which shows more conclusively than ever the true state of the prisoner's mind. He remarked that his conduct was extremely judicious, after the murder. It was better to go to his store and yield himself up without resistance, than to run away. But why was he to run away? He had done nothing, as he thought, as the gentlemen will tell you, against the laws of God and his country. Ah, that observation of his counsel was indeed a verity, that the prisoner had "talked too much already." The whole thing is plain to you on that one single scrap of evidence—that he was judicious in his conduct after the murder.

So, too, with Mr. Jacob Gould's testimony. Was such a man incapable of discrimination between right and wrong? It is idle, gentlemen, for me or any one to argue to you, that the prisoner was fully, utterly and entirely conscious of his crime. I do not deny that his mind was somewhat affected, but that it was to such a degree as to excuse him, I do not believe. I do not, nor do I think that any member of that panel believes it. Take the case of a man jealous of his wife; his mind may be diseased. Now suppose that he, deluded as to an improper intimacy which he thinks exists between his wife and another man, kills the latter? Is he to come before this Court and plead the disease of mind in bar of punishment? Where then would be redress for wickedness?

The facts offered here to prove insanity are these: starting up, absent-mindedness, wildness, inattention, glassy eyes, &c. They are all easily accounted for by another hypothesis than insanity. What does Mr. Dayton, chaplain of the prison, testify? Ah, gentlemen, that accounts for the glassy eyes in the morning, the headache and other symptoms brought forward by the defense, and on better ground than by insanity, for insanity is something permanent. The State, too, has brought many witnesses, who, with as good and better opportunities than those possessed by the witnesses for the defense, never saw any change or insanity in the prisoner. Neither did one of those witnesses, until this trial. His sister, whose affection for her unfortunate brother seems to be ardent, and who has, God knows, the sympathy of the Attorneys for the prosecution, had never mentioned the strange appearances, except to her brother, her cousin, and the lady in the house. Would she not have had him restrained, if she deemed him insane? And Mrs. Parmalee, who seems to, and naturally would, have strong affection for Clark, she, too, did not mention the evidences of her belief. She and her husband took no steps to confine him.

There is another fact going to prove his sanity, for in this matter the prosecution only wishes to elicit truth, and nothing more. Take the depositions taken in Orono, Me., and Chicopee, Mass. We are welcome, we are told, to make all we can out of the fact that they appear here without cross examination.

[Mr. KEESE read the certificates of the two Commissioners, that the State, by its Attorney, claimed a right to appear when these depositions were taken, to examine and question witnesses, to read the depositions and make cross interrogatories, and file written ones, in both of which cases it was denied.]

Now the Attorney for the defense claimed, first, that the object of the legal notice to be given to us, was that we might go there and institute inquiries for an intelligent cross examination. Did they have any such idea, when the commissions issued? If we had done it, the ears of this Jury would have rung with cries about the improper and wrong conduct of the State in tampering with the witnesses for the defense. But, gentlemen, if they had had an abiding consciousness of the truth of this defense, would they not have thrown open the doors and said, come and probe the matter to the bottom, all is fair and true here?

[The COURT interrupted Mr. KEESE, and said that he should hardly say this.]

The ATTORNEY said that the Counsel for the defense had given them liberty to make all they could out of this circumstance.

The Court said the State could use the fact that these depositions were entirely *ex parte* testimony, not taken in the presence of itself, or any one, and they would so go to the Jury, who would decide upon its character. If the Court had supposed there was anything illegal or unfair in the method of their preparation, it would not have allowed them. The Attorney should hardly thus attack the Counsel for the defense.

Mr. CHAPMAN said so far as the Counsel were concerned, if the State thought best to attack them in this way, it was welcome to.

The COURT was of the same opinion as before.

Mr. KEESE thought the COURT did not understand him. He did not speak of unfairness, but only said that if the defense had the abiding confidence in their plea which they had claimed, they would have been willing to invite a cross examination.

The COURT said that according to the views it had already expressed, it was not proper for either party to have been there, and they could not.]

Here, then, gentlemen, are these *ex parte* depositions. They are before you, without any opportunity of cross examination having been furnished, and no opportunity had to sift out the truth.

Another great fact is this, which, however glossed over, is still here; that every physician on the part of the State desiring to examine this man, was resolutely shut out from him, that no physician was allowed to see him, unless in the presence of his Counsel, or by word of the Counsel that he might talk with him. Why did they so hesitate to prove his insanity? For fear, perhaps, as I think Dr. Jewett testified, that the prisoner might drop "unguarded expressions;" expressions he had indeed dropped, as the Counsel knew, when they said he had "talked too much already." Why shut out these physicians? This fact tells with powerful weight.

We have then, first, these appearances relied on by the defense, abundantly accounted for on other grounds, on the ground of intemperate habits, and not of insanity, because many persons who had as good opportunities as those enjoyed by the witnesses for the defense, never saw any insanity; while real insanity is fixed and permanent, and not such a thing as is set up here. And we have then the second, that even if the insanity is true, it is of no earthly benefit, so far as this case is concerned, because the delusion is not such, if real, as would justify the act committed. Even if this man's mind was partially diseased, it was not to such an extent as to satisfy the law's requirements.

Now, gentlemen, you will be told that if you have a doubt of the prisoner's guilt, you are bound to acquit him. Let us see the rule on this. [Quoted 4th Pa., Rep. 274.] You, gentlemen, must be satisfied, beyond a reasonable doubt, of the insanity, or on your oaths as Jurors, you are bound to convict the prisoner.

I am aware, gentlemen, of the learning and ability of the Counsel for the defense, and if human ingenuity could avail aught against such an overwhelming array of facts, I and the community might well fear lest the prisoner should escape that justice whose mandate he has so daringly defied. I know what eloquent appeals will be made to your feelings and your sympathies, in behalf of this prisoner. But, gentlemen, though you may, and doubtless will, commiserate the condition to which this man, by his own deeds, has brought himself, your verdict must be rendered, not according to your sympathies, but by the law and the evidence before you. Your duty in this case, gentlemen, is, I know, a

deeply painful one. It is always a painful duty to be engaged in the trial of a cause which may result in a verdict which the sentence of death must inevitably follow. But if your duty is a painful one, mine—if in a case of this magnitude, and under its peculiar circumstances, I may be allowed to speak one word of myself—mine is doubly so; for by one of those singular coincidences which in the inscrutable ways of God's providence sometimes occur in this world, you have here before you to-day, three old school-mates. One, led away, alas, by his own evil passions, and yielding to the unrestrained influences of his evil nature, sits here arraigned before you, a jury of his fellow countrymen, charged with the highest crime known to our laws—willful and deliberate murder. A second is here, honored and honorable, defending with all the learning derived from years of unwearied industry, with all the ingenuity of his high abilities, his unfortunate and guilty school-fellow. The third one, gentlemen, speaks to you; and when I saw the estimable man whom we all love, and whose instructions we remember, come here the other day to testify, involuntarily my mind went back to the days when we three were young, and innocent, and happy, and when if some hand could have uplifted the veil which in God's mercy shrouds from us futurity, and have foreshadowed to us this day, and the scene which we this day witness, we should have all three shrunk back terrified and appalled, incredulous and aghast; and yet, according to the decrees of Him "who doeth all things well," we three have so worked out our several destinies.

One word further, and so far as I am concerned, I leave this case with you. Gentlemen, we have fallen upon evil times; the crying evil of our day and of our generation, is an utter disregard for the established laws of the land, and the setting up of our private judgments as the standard by which to regulate our conduct. Where and to what this feeling may at last bring us, God only knows; but already as one of its direful consequences, crime is fearfully increasing in our midst, and the calls of the community are imperative, that something should be done to stay its course. Already within the narrow limits of this little County of New Haven, in little more than one twelve month, this is the fourth homicide that has been committed, and all the perpetrators have as yet gone unwhipped of justice. Nay, further, while you have been here trying this man, two homicides have been attempted in this very city. Gentlemen, it is time something was done to stop this—time that our citizens should see that they have some security, and some protection left them in their courts of law, and that when, as now, guilt is clearly brought home to the party, and abundantly proved, that no ingenuity and no ability, however great, can avail to stay the course of justice. I leave this case in your hands, gentlemen, with the utmost confidence that your duty, although deeply painful, will be conscientiously discharged; and that your verdict, while it may bring terror to the hearts of all evil doers, will afford to our citizens a renewed sense of security, and of confidence in the laws enacted for their protection, and of confidence also in the manner in which those laws are administered.

Mr. HARRISON followed for the DEFENSE. He said:

*May it please the Court, and you, Gentlemen of the Jury:*

The prisoner at the bar stands indicted before you for the crime of murder. "Murder is when a person of *sound memory and discretion* unlawfully killeth any reasonable creature in being, and under the king's peace, with malice aforethought, express or implied." This definition is not the one which the Attorney for the State has given you; but it is one which has come down to us through many ages; it is the definition given us by the books; it is at this hour a part of the law of Connecticut. If then, while killing, as he did kill, Richard W. Wight, this prisoner was a man of *sound memory and sound discretion* within the meaning of the law, he is guilty of the crime whereof he stands indicted; but if, at that time, the prisoner was diseased in mind, so that he had not a sound remembrance of the facts and circumstances by which his conduct would otherwise have been influenced,—or so that he had not, in its natural soundness, that discretion which would otherwise have enabled him to act rationally upon the knowledge furnished him by a sound memory—then he is not guilty, and you must acquit him. Hence we are to inquire whether the prisoner was or was not, when he killed Wight, a sane man.

Before proceeding with this inquiry, let me remark briefly upon some things which have been said by the gentleman who has just addressed you.

He has made an attempt, or rather renewed an attempt that has been repeatedly made during the progress of this trial, to convey to the jury an impression that the Counsel for the prisoner are not sincere in this defense. The prisoner's Counsel, gentlemen, are not on trial. What has their sincerity or insincerity to do with the question at issue? On other occasions than this, and in other places than this, insinuations of this sort might be less unbecoming to him who makes them; but those gentlemen of the bar who desire to possess the respect of their associates, of the community, and of themselves, are apt to refrain from such insinuations everywhere. Whether, in fact, we are sincere or not, will perhaps appear, if it has not already appeared, before we get through this trial. There are some indications of sincerity which cannot be feigned, and cannot be misunderstood.

The sincerity of the prisoner's sister has been questioned. Why? She stands uncontradicted. Her truth has been corroborated, unexpectedly corroborated, on every point and from every quarter. Not one fact has she stated, material to this issue, which has not been sustained, and fully sustained, by the evidence of other witnesses. But when this man, in his agony, fled to Chicopee with vague dreams of going to Maine, why didn't she stop him and have a conservator appointed over him! Why not do this in order to prove her sincerity! I will tell you what she did do, gentlemen. She spent four days and nights watching for her brother, alone, and in tears, and in terror, with-

out sleep and with hardly a morsel of food. That was her poor way of showing sincerity. Enough of this.

It is intimated that the prisoner was addicted to the improper use of intoxicating drinks, and that the symptoms of derangement which he manifested, resulted from that cause. And yet one hundred men and women, more or less, acquainted with the prisoner, have testified here, and not one of them has pretended to have ever seen him drink, or to have ever heard of his drinking one drop of intoxicating liquor. The only evidence bearing on the point is that Clark admitted freely to Mr. Dayton, as he has always admitted freely everything true, that at one time he had liquor and had given some of it away. At the same time, in reply to Dayton's questions, he said that he had not drank on the day of the homicide; and there is no evidence that he ever drank a drop in his life. If he had been addicted to the use of spirituous liquors, is it possible that a fact so important would not have been extorted from some one of those hundred men and women, who knew him so well? —especially when his character was a subject of inquiry? Moreover, the medical men have sworn, and you will remember it, that the symptoms to which I have referred could not have resulted from the use of liquor. How cruel then, in a case like this, is such an insinuation! It isn't fair. It isn't manly. If you want to take this man's life, gentlemen, take it openly, take it honestly—not by *inuendo*.

I propose now to go into the question of sanity or insanity. First let me allude to a common prejudice which the Attorney for the State has tried to enlist against us in this case. The defense of insanity is generally regarded with suspicion. An impression prevails that juries are liable to be deceived by it, and that the public interests are always in danger when this defense is made. This impression is false. I will prove it false. I undertake to prove, that while juries are in little or no danger of being deceived by the defense of insanity, they are in great danger of improperly disregarding it. Look at the history of criminal trials. Take that very case of Bellingham, cited by the opening counsel. Bellingham was insane and irresponsible: nobody doubts it. Yet within one week after committing a homicide under the influence of insane and uncontrollable delusions and impulses, he was convicted, hung, and cut in pieces on a dissecting table. It was a bloody business, and it shocked the conscience of all England. Take the case of Freeman in New York, who was defended on the ground of insanity, was convicted, obtained an order for a new trial, and died in prison. His brain was dissected and found rotten. Take the case of Thurston, tried and convicted in the same State a few years ago. A new trial was granted. On the second trial he was acquitted and has ever since been confined in a lunatic asylum, unmistakably deranged. Kleim's case, tried in the same State not long ago, is an instance of a man acquitted with difficulty on the ground of insanity, who has, since his acquittal, given unquestionable evidence of mental imbecility. Then there is the case of Abner Rogers, tried twice in Massachusetts, acquitted on the second trial, clearly evincing his insanity afterwards, and finally ending his life by suicide.

Take the case of Goss, in our own State, who believed himself to be a second Lamb of God, and died in that faith on the gallows. Remember also the case of Woodford, who was tried in Hartford County some years ago, was defended by my brother Chapman on the ground of insanity, was convicted of manslaughter on his second trial, manifested his insanity afterwards so distinctly that no man could doubt it, and died a lunatic. We might refer to the cases of Brown, Bowler, Howison, and Arnold, and others, in Great Britain; of Baker, in Kentucky; of Prescott, in New Hampshire; and to many other cases of the same general character. The examination would satisfy us that insane and irresponsible men are frequently convicted by juries, and that in almost every instance where the defense of insanity has prevailed, the party accused has, after acquittal, given indisputable evidence of insanity. Indeed, so far as New England is concerned, I defy the learned gentlemen to name a case where the defense of insanity, having been successful, has not afterwards been vindicated by the clearest evidence of the insanity of the person acquitted. Hear what that eminent man, Dr. Woodward, late Superintendent of the Worcester Asylum, says on this subject :

" Of all the cases that have come to my knowledge, and I have examined the subject with interest for many years, I have known but a single instance in which an individual arraigned for murder, and found not guilty by reason of insanity, has not afterwards shown unequivocal symptoms of insanity in the jails or hospitals where he has been confined: and I regret to say that quite a number who have been executed, have shown as clear evidence of insanity, as any of these." *Tenth Annual Report*, p. 73. Dr. Bell, of the McLean Asylum, cited by Ray, in *Medical Jurisprudence of Insanity*, p. 275, says, "that for one real criminal acquitted on the score of insanity, there have been a dozen maniacs executed for their criminal acts." Dr. Brigham, formerly of Connecticut, a learned and eminent investigator, once well known to his Honor, the Presiding Judge, says in his eighteenth Annual Report of the Hartford Retreat for the Insane, p. 19, "I know it is a common, but frequently, I suspect, a careless remark, that the plea of insanity is too often successfully adduced as an excuse for crime. So far as I have any knowledge, this is not the case. I do not know of a single instance where the insanity of an individual has been certified to by those well informed and well qualified by experience with the insane to judge on such a subject, that time and public opinion has decided to be incorrect; while I know many instances where the plea has been disregarded, which time has shown ought not to have been. I have seen several kept in prisons for crime, where their appearance and conduct convinced all that they were insane, and insane when brought to the prison. One, happily now in the Lunatic Hospital in Worcester, Mass., was kept several years in the prison of our State for an act committed when he was as insane as he now is; and of his insanity at the present time there is no question. It might be well for those who, in halls of legislation or in courts of justice, confidently

assert that insanity is frequently feigned, so as to deceive those well informed on the subject, to adduce instances of the fact. In a case where the life of an individual is concerned, it is especially important that remarks of this kind should be supported by facts."

But we do not rely on medical authority alone. Chief Justice Parker of New Hampshire, in his charge to the Grand Jury of Merrimack County, *American Jurist*, vol. xx, p. 456, says :

"The public papers, in giving reports of trials, often say, 'the defense was, as usual, insanity,' or make use of some other expression, indicating a belief that this species of defense is resorted to, in desperate cases, for the purpose of aiding in the escape of criminals from justice. Such opinions are propagated in many instances by those whose feelings are too much enlisted, or whose ignorance respecting the subject is too great to permit them to form a dispassionate and intelligent judgment; and they have a very pernicious tendency, inasmuch as they excite prejudices in the public mind, and the unfortunate individual who is really entitled to the benefit of such a defense, is thereby sometimes deprived of a fair and impartial trial. They tend to make the defense of insanity odious, to create an impression against its truth in the outset, and thus to bias the minds of the jury against the prisoner, and to induce them to give little heed to the evidence, in the very cases where the greatest care and attention and impartiality are necessary for the development of truth, and the attainment of justice. \* \* \* \* If we imbibe the idea that instances of insanity are very rare, that derangement exists only when it manifests itself by incoherent language and unrestrained fury—that the defense, when it is offered, is probably the last resort of an untiring advocate, who, convinced that no real defense can avail, will not hesitate to palm off a pretended derangement to procure the escape of his client from a merited punishment—if in this way we steel our hearts against all sympathy, and our minds against all conviction, it is of little avail that we agree to the abstract proposition that insanity does in fact furnish a sufficient defense against an accusation for a crime. There are undoubtedly instances in which this kind of defense is attempted from the mere conviction that nothing else can avail—cases in which the advocate forgets the high duty to which he is called, and excites a prejudice against the case of others, by attempting to procure the escape of a criminal under this false pretense, but such cases are truly rare and usually unsuccessful."

Judge Edmonds, in Kleim's case, speaks to the same effect.—*Journal of Insanity*, vol. ii, p. 262.

In the present case nobody can deny that the defense rests upon a mass of testimony imposing in quantity and in character. This defense is made by the friends of the prisoner in good faith; and I think you will now agree with me that it ought not to encounter from you at the outset, any prejudice whatever. Let me then, confident of a fair and impartial hearing, ask your serious attention to the facts, as they have appeared in evidence.

On the 28th of April last, in a crowded town, in a populous street of that town, in the day time, in a house full of people, and in presence of an eye witness, Willard Clark, with no immediate provocation,—with no provocation at all, as I will show by and by,—shot Richard W. Wight, giving him the wound whereof he died. Having done this, Clark walked away, at his usual pace, returned the pistol to the person of whom he had borrowed it, saying, "I have shot a two-legged cat," then

walked back to his store, and went about his business as if nothing had happened. What does this bald, naked statement of facts suggest? What doubts, what suspicions, as to the sanity of the man, force themselves upon your minds? But who is Willard Clark? A native of this State; a young man only twenty-seven years of age; well brought up; addicted to no bad habits; a man of kind heart; a man of integrity; a man of honor; a man of irreproachable character in all respects, so far as his conduct towards his fellow men is concerned; a man who never, down to the moment when he did this act, had, so far as you can learn from any evidence before you, committed an offense against the laws of God or man. What motive had such a man for the commission of such an act? He certainly had no further crime in contemplation. He sought no advantage to himself. He had, as will be apparent when you put the evidence together, no personal ill-will towards Wight; he had never said a malicious word against him. He had made no preparation for escape. He made no attempt to escape. He knew, if sane, that he was dooming himself to the gallows; and that even if, through any accident, his life should be spared, that life would be to him an utter blank, a loss, a ruin.

No! No such man, sane, ever did such an act, under such circumstances, since the world was made. Insane men do such things every day. The law presumes men sane until the contrary appears. Here it does appear. The circumstances of the transaction itself overthrow the presumption of sanity. If there were no other evidence of the prisoner's insanity, we have enough of it here upon the threshold of the case. Nor is it any answer to this that certain atrocious expressions are said to have been uttered by the prisoner since the homicide—expressions of savage hostility towards Wight, and the like. Never before had he said one unkind word about Wight. Who are they who would introduce such extraordinary language.—language entirely out of character,—together with expressions indicating absurd changes of opinion on some subjects, as evidence of this man's sanity, or of any man's sanity? Why, gentlemen, when the hand of God has smitten the intellect of the pure and delicate woman, what foul words pour forth from her lips; and when disease has touched the mind of the Christian, what blasphemies are too wicked for him to utter! These indications of a wild and wandering mind are the last things that should be offered as proofs of sanity.

If the prisoner was insane when he committed this act, we may expect to find by an examination into his conduct immediately before the act, some of those appearances which, when seen, are recognized by those familiar with the subject, as symptoms of insanity. The books tell us that these appearances do not always precede the explosion of the disease. *Ray. M. J. Ins.*, 70, 205, 206, 207, 141, 142, 143. Frequently, however, they are noticed before any violent outbreak takes place. Often the germs of disease in the mind go through a process of "incubation," as it is called; the mind broods over them for a time, and finally hatches them into life. During this process the mind often gives outward signs of what is going on within. These signs are the SYMPS-

TOMS OF INSANITY; and in this case we find them disclosed in remarkable abundance and variety. In order that we may understand their meaning as we see them presented by the testimony, let us, before reviewing the evidence, read a word or two from the authorities:

"Madness is not indicated so much by any particular extravagance of thought or feeling as by a well marked change of character or departure from the ordinary habits of thinking, feeling and acting, without any adequate external cause." *Ray, M. J. Ins.*, p. 185.

"It is therefore, I repeat, not the abstract act or feeling which constitutes a symptom: it is the *departure from the natural and healthy character, temper and habits that gives it this meaning.*" *Ray, M. J. Ins.*, p. 187.

"Mania, under whatever form it may appear, is generally preceded, except when produced by injuries or moral shocks, by a *change in the natural condition, designated by writers as the period of incubation.*" *Ray, M. J. Ins.*, p. 187.

"This period of incubation of mental alienation, during which the true state of the patient is generally misunderstood or not appreciated, may last a long time. \* \* \* Sooner or later this disorder of the cerebral functions becomes of a more obvious and positive character. The struggle between the convictions of his sounder reason, and the impulses of this new condition ceases, and the patient, instead of contending any longer against the approaches of disease, or of concealing his thoughts, now believes in their reality, and openly and strenuously avows them, except when induced by powerful reasons to pursue a contrary course. The governing principle in the mind is gone; ideas and perceptions occur in the utmost confusion and rapidity, and are connected by unnatural and incongruous relations. The attention is constantly wandering from one idea or object to another; external impressions have lost their ordinary power, being overlooked or disregarded amid the turmoil that prevails within. The individual is excited to action by strange and extraordinary motives or by impulses that he finds himself unable to resist. His passions are easily aroused, and almost instantly reach their maximum of strength and activity." *Ray, M. J. Ins.*, pp. 189 and 140.

Here, in *Ray, M. J. Ins.*, p. 168, is a passage, singularly fitted to our case, although its full force will not be felt until we shall have reviewed the whole history of the prisoner:

"There are many individuals living at large, and not entirely separated from society, who are affected in a certain degree by this modification of insanity. They are reputed persons of singular, wayward and eccentric character. An attentive observer may often recognize something remarkable in their manner of existence, which leads him to entertain doubts of their entire sanity, and circumstances are sometimes discovered on inquiry which assist in determining his opinion. *In many instances it is found that there is an hereditary tendency to madness in the family, or that several relatives of the person affected have labored under diseases of the brain. The individual himself is discovered in a former period of life to have sustained an attack of madness of a decided character. His temper and disposition are found on enquiry, to have undergone a change; to be not what they were previously to a certain time; he has become an altered man, and this difference has perhaps been noted from the period when he sustained some reverse of fortune which deeply affected him, or since the loss of some beloved relative.*"

It is evident that there is no greater mistake than the notion that insanity is manifested only by violent action or incoherent speech. Remembering that we are not now investigating the character or causes

of the prisoner's insanity, but are merely looking for symptoms of mental derangement in him, near the time of the homicide,—such symptoms as we might expect to find, if he was then really insane,—let us examine that part of the evidence which relates to his conduct and mode of life during the few months next preceding the death of Wight. When we shall have done that, I will read you, from this book which I hold in my hand, (*Ellis on Insanity,*) the history of Willard Clark, from October, 1854, to May, 1855, and I will ask you whether the pen of a prophet could have written that history more faithfully than it appears in that portion of this book which details the ordinary symptoms of approaching mania.

1. Among the symptoms of insanity, known to every body, and mentioned in all the books, is profound Melancholy, gradually leading to homicidal impulses. That Clark, for several months prior to the homicide, suffered under an extravagant depression of spirits, increasing in strength with the progress of time, is proved by numerous witnesses, and will not be denied.

"In another class of cases the exciting cause of the homicidal propensity is of a moral nature, operating upon some peculiar physical predisposition, and sometimes followed by a more or less physical disturbance. Instead of being urged on by a sudden, imperious impulse to kill, the subjects of this form of the affection, *after suffering for a certain period much gloom of mind and depression of spirits,* feel as if bound by a sense of necessity to destroy life, and proceed to the fulfillment of their destiny with the utmost calmness and deliberation."—*Ray, M. J. Ins.,* p. 216.

2. Headache is a frequent symptom, even when the insanity results from moral causes. 1 *Beck, M.J.*, p. 536. *Ellis on Insanity*, pp. 105 and 107. *Ray, M. J. Ins.,* p. 141. From the testimony of Mrs. Dewey, Mrs. Collins and Mr. Stout, it is clear that Clark began to have headache in January, and continued to suffer from it more and more down to the time of the homicide.

3. "Wakefulness is another symptom which sometimes precedes all others, and is coeval with pain or uneasiness of the head." 1 *Beck*, p. 541. *Ellis on Ins.,* p. 107. From January until the day of the homicide, the prisoner hardly slept at all. Except for one week, we know how he spent the night throughout that time. He passed but three nights in bed. He lay on the sofa; because, he said, he could not sleep, and it was of no use for him to go to bed. It is noticeable that the headache and the sleeplessness, began together in January. The "wakefulness" was "coeval with pain or uneasiness of the head."

4. Neglect of business and neglect of person are mentioned by various authorities, among the symptoms of insanity. Clark's neglect of business, during the latter part of the time, is proved by many witnesses. His neglect of his personal appearance was noticed by Mrs. Hull and others. Mrs. Dewey once told him he needed new clothes. "He stared, looked wild and said, he didn't know as he needed any; said he didn't think he should live long."

5. Bewilderment. In reference to this and some other symptoms, permit me to read at some length from the testimony of several witnesses.

*William Hull* says, "On the 15th of April I noticed something peculiar about him. He appeared lost to himself. He didn't seem to be settled in his mind. Sperry and I spoke of it at the time. His manner was different from what I had ever noticed it before."

*Mrs. Collins*, speaking of the last month or two, says, "He appeared like a person in deep thought." She speaks of his "staring vacantly," and making no replies when she spoke to him.

*Frederick P. Gorham*.—"Noticed this strangeness in him from early in the Spring until I last saw him, about a week previous to the homicide." "It was a lost, absent way." Describes his last interview with Clark thus—"I found him in a deep study. He took no notice of me when I spoke to him. I repeated my remark. He turned upon me with a stern expression of the eye, looked for a moment, then seemed to come out of a dream, as it were, and made a remark having no relation to what I had said. This was early in the morning. Noticed in him sometimes a wildness: he seemed lost; oftentimes gave me an answer having nothing to do with the subject I was talking about. This commenced early in the spring; think it was not as far back as January. He acted unusually strange then and generally through the spring." Again, speaking of his last interview,—"He talked in an incoherent sort of way, very wildly, and muttered to himself. He didn't give me an intelligent answer. Spoke of it then to my wife," &c.

*A. C. Chamberlain* mentions "a something about the manner, peculiar: noticed it at the time; his face was unusually white." Another time, "I went into the store and called for something. He went into the back-office and seemed to forget it. After a little while he said, Oh! I'll wait on you." Mr. Chamberlain "thought it strange," and on cross-examination refers to something peculiar in Clark's "expression, look, and manner."

*John F. Chatterton* "was in there sometime in the last part of March. Had formerly been intimately acquainted with Willard. Asked him if the house was to rent; he made no reply, but turned his back to me. It was something unusual. He had been very intimately acquainted with me and very sociable before. In about half a minute I called his attention to it again. He replied, 'I don't know.' I asked who rented it. He made no reply. I asked a second time. Clark pointed over his shoulder and said, 'over to West Bridge.' I asked, where is George?—no answer,—question repeated,—he said, 'in Illinois.' His mind was evidently occupied with something different from what I was talking about. Having a brother insane, I remarked to my wife, the same evening, that Clark must be crazy. I should have prolonged my interview if I could have got answers." And the witness tells us that he was obliged to go away without obtaining from Clark the information which he sought, and which Clark must have possessed.

*Mrs. Hull* "noticed change in him as early as last November. I would ask for articles; he would reply with a vacant gaze. Had to re-

peat my questions. I didn't like to trade with him because he was so peculiar and changed in his appearance. Sometimes I would leave the store without any answer. Sometimes a very silly smile would pass over his countenance that gave me pain; first noticed this smile during the winter." And on cross-examination, "I told my family I couldn't account for it. Can't definitely state when I first noticed this laugh. I very frequently spoke to my husband about this; told my husband it was painful to go there,—that a strange change had come over him. Have since noticed that smile at the jail."

*Lydia Sellidge.*—"He was behind the counter. I gave him money requiring change. He took it, put it in the drawer, and stood looking at me. I waited and asked for change. He said, 'did you pay me?' I said yes, and told him what piece of money I had given him. He said, 'I didn't know you had paid me; I don't know what I am about, half the time.' This was in the morning. I have noticed several times that he looked strange and didn't give attention. I have noticed a change in him. He seemed very absent-minded. Noticed it a few months before this occurrence. There was something in his appearance that I can't express"—and in saying this, gentlemen, she does express, what it has been evident to you that other witnesses, who saw it, could not explain—that look, that demeanor, that strange appearance, that "something" indicative of a wandering intellect, which everybody, seeing, understands, but which nobody can describe, save in the simple language which this good woman has so artlessly used. Again she speaks of "a strangeness, absent-mindedness, failure to recollect," &c. "Mentioned this at the time to my daughter and sister. Noticed it generally—all the time."

*Philo Terrill* tells you how, after the marriage, Clark, not having called on him for months, went into his store, having no business there, making none, and asking no question; and how, when Terrill referred to the marriage, Clark gazed at him with "eyes glassy and wild," and presently went away.

*Mariner Beecher.*—"In October once I went to his store about nine, A.M. I enquired for Barnett. He made no reply, but stood and gazed. At last I started to leave. He started all at once as if he had just heard me, and said he had been and had gone. I noticed that sort of thing very often—from October to April."

*Mary Woodward.*—"I have known him four years. Noticed through the past winter that he was unusually abstracted—neglected his business. Have known him play on musical instruments, when there were half a dozen customers waiting in the store to be served. I have asked him for articles, and he would stare at me with a wild countenance, take up one thing and lay it down and then take up another, until I had twice called his attention to what I wanted. He would stare at me with an unpleasantly wild countenance; noticed it most during the two or three weeks before the homicide." And on cross-examination—"noticed his abstractedness during the winter—hardly as soon as November,—I think in January. Afterwards there was a change from a mere abstraction, that I cannot express. In the early part of the winter there was a per-

fect inattention to business and an abstraction. The next change was a wildness in his manner." She then spoke of the peculiar expression of his countenance, and of his walking from one thing to another "unconnectedly," and of his staring at her, and so forth.

*Harriett Barber.*—"He was at our house in April; asked if my brother had borrowed a gimlet of him within a week or two. I told him no, my brother had been gone. He repeated the question at least three times more, without apparently knowing what I said. He then asked if my brother was at home. I told him no. I had already told him so three or four times. He kept looking at me in a fixed manner; looked melancholy. He laughed when he turned away. There was no occasion for the laugh." On cross examination she says: "This was about nine o'clock, A. M. Had never seen him act so before. He looked at me with a fixed and earnest look. He didn't seem to take the sense of what I said."

*Mrs. Sarah Potter*, who had known him fifteen years, "noticed the change in him about four weeks before the homicide." On the day after his return from Chicopee, she went into the store for something that required weighing out; called for him, &c. "He was in the little back room. He came out very reluctantly part way, and then went back, and as he went, turned and looked over his shoulder and laughed." On Thursday before the homicide, he asked her if Gorham kept steady now, and she says she was surprised at such a question, because Clark knew that Gorham was steady. Again, on cross-examination she says: "This was in the morning. It was a simple laugh. He came back and waited on me. The last four weeks he didn't care whether he got his pay or not. He would stand and laugh. I thought he acted dreadful strange. Never noticed this peculiar laugh before. It was a smile, a simple look and laugh. I can't describe it." No mortal can describe it. I know somebody who has seen it, and I know that while it can never be described, it can never be forgotten.

*Samuel Short.*—"Known him fifteen years. Noticed something strange about him. It began along in January. If you asked for a thing, he didn't seem to give you an answer. Have noticed this ever since, and along in March noticed it more than at any other time. You ask for a thing and he wouldn't give you no answer; he seemed to be bewildered."

*Clark M. Loomis*, for two months previous to the homicide, was out of business, and was in Clark's store almost every day. "During that time I noticed that he grew very careless and negligent of his business, paced the floor a great deal, appearing absorbed in his own thoughts, and whenever customers spoke to him, he frequently took no notice of them at all. Frequently during that time when I have been in his store and have spoken to him, he has acted strangely, waiting a good while before answering, and often not answering until I had spoken to him a second time. This conduct of his evidently grew worse day by day."

Jerome L. Stout noticed the same appearances; so did Mrs. Beers, Mrs. Carr, Mrs. Janes, Mortimer Camp, Mr. Willis, Mrs. Willis, Mr. Gallagher,

and other New Haven witnesses, and they show you that these symptoms were continually manifested down to the day of the homicide and during the morning, noon, and afternoon of that day. Their testimony is voluminous; I will not consume time by reading it. But this is not all. There is the evidence of the Chicopee witnesses, who tell you how Clark appeared from the nineteenth to the twenty-third day of March. If those witnesses needed any support, you would find it in the coincidence between their testimony and that of the New Haven witnesses. Both classes of witnesses testify to the same symptoms occurring during the same period. I am amazed at the manner in which gentlemen have tried to evade the effect of these depositions—depositions taken by order of this COURT—taken in the manner prescribed by the Court—taken by a respectable magistrate selected by the COURT—and taken in exact conformity to law. They are the depositions of twelve disinterested persons, concurring, in the drift of their testimony, with each other, and with the New Haven witnesses. If the credit of one of them could have been impeached, it would have been. The depositions stand utterly uncontradicted—the State not having attempted to controvert one syllable of them—and yet you are invited to disbelieve them! And why? Because the Attorney for the State did not see fit to file cross-interrogatories! There was a difficulty, it is said, about devising any. True; and the difficulty was, gentlemen,—there could have been no other, you have heard of no other,—that our direct interrogatories covered the whole ground, so as to exhaust the knowledge of the witnesses, and so that by filing cross-interrogatories no additional information could have been gained. You can see this. Everybody sees it. It is further objected that the magistrate refused to permit Mr. Keese to be present at the taking of the depositions. The magistrate did right, and this COURT has said so. He propounded the interrogatories himself, suffering nobody to be present but the witnesses. We were not there. The gentlemen were not there. Neither of us had any right to be there. But it is said that we, the counsel of this prisoner, should have waived some of his rights and permitted the gentlemen to be present. Yes, they are not ashamed to complain here, that we, with this man's life in our hands, did not make concessions which they know it would have been improper for them to ask or us to grant. These depositions then, taken according to law, by a proper person, upon full and fair interrogatories, and in a manner calculated to give them the highest credit, stand above all cavil, unimpeached, unimpeachable, and *unanswered*. I will not read them—they are too long—but will turn your attention to some parts of them.

*Melville Duly* says: "I saw him at Chicopee last March, the 19th day. I sat and talked with Clark about two hours. I noticed immediately that his mind was wandering. I couldn't talk with him, for he couldn't talk on any subject—he would skip from one thing to another. I could not stick him to anything. His mind was not steady. I saw something ailed him, and I said, 'Clark, it seems to me as if you acted as though you were in trouble.' He answered he was in trouble, but didn't tell me what the trouble was. I spoke to my wife about his wild,

wandering ways. When at breakfast he would look up and laugh about nothing, and acted wild and strange, then and all the time he was here. He staid in Chicopee three or four days. I saw him again here. He acted as if his mind was not right, and I told Joseph Keene so at the time. He was gloomy and sad, and appeared troubled in his mind. Part of the time he would answer my questions quick, and then at other times he would be in a study, and not answer for a good while. There was evidently something heavy on his mind. He ate very little—used to be a hearty eater. He acted this time a good deal as he did after his disappointment with the Scott girl; cast down and pacing the house to and fro, in a sad, gloomy, thinking manner. He did not act right when he was here last—acted very strangely."

*George Babcock.*—"I saw him, Clark, last March, 19th or 20th, the first day he was here in Chicopee. Saw him three or four times during his stop here. He said he did not know but he should go to Maine and see Almira." Go to Maine! and see the girl who had deserted him,—now, for eight years, the wife of a man who had treated him with indignity! How could she console him? It was the dream of a broken and wandering mind. He meant to go. He told Mrs. Duly and Miss Philbrick and others the same story. Unable to stay at home, after the marriage of the Bogart girl, he had abandoned his business and fled from New Haven, imperfectly clad, at an inclement season, not knowing whither he was going. He found himself in Chicopee, surrounded by scenes which revived the memory of his early attachment. The old feeling circled round his heart and the strange fancy of going to Maine to see Almira, possessed, for a time, his disordered imagination. George Babcock further says: "He was absent-minded: as soon as I stopped talking with him he would fall into a silent, thoughtful way and seemed buried in deep thought;" and again, "his mind wandered from one thing to another, in a confused manner, and did not seem capable of sticking to any subject any length of time."

*Mrs. Duly* says: "He came to our house the 19th day of last March, &c. He began to talk, and I immedately noticed he acted strange and did not act as he used to. He had not been there but a few moments when he said he did not know but it was best for him to go to Maine and see his folks. He used to refer to Miss Scott always as his folks, &c. He was very singular. He laughed all the time a sort of silly laugh." Why should he laugh? What had Willard Clark, with his crushed hopes, his broken heart, to laugh or smile about in this wide world? "He laughed all the time a sort of silly laugh; seemed forced. He appeared to be greatly troubled about something." Again, "he could not keep his mind on anything: he run from one thing to another without connexion—was very absent-minded. If he was told anything he wouldn't remember it five minutes, but talk the same matter all over again, and ask the same questions over and over again. We all noticed his strange behavior and I spoke of it to my husband and the children. He staid here from Monday till Wednesday or Thursday, and I saw him three or four times. He appeared in the same way each time—seemed

in trouble. There was no kind of sense in his conversation. During meals he would stretch back in his chair and laugh a great deal. He behaved so carelessly that I felt hurt for him, as there were strangers at the table."

*Almira Philbrick*, a stranger to him, saw him in Chicopee last March. "He acted strangely. In conversation his mind seemed unsteady. He would talk about something and suddenly break in with something different. When he was talking he looked down a great deal, and seemed in a study. I can't tell well what induced me to think he was strange. I understand it, but don't know how to express his peculiar actions. It would be difficult for language to express the peculiarities and strangeness of his ways and manner. Spoke of Almira Scott," &c.

*William Dickinson* says: "He was a stranger to me, but I couldn't help notice, he appeared singularly. He appeared wild. His talk was confused and incoherent. He did not seem to have his mind fixed on any subject he was speaking upon, but rapidly wandered from one thing to another. At times he would sit silent for a long time, apparently in deep thought. He appeared abstracted and absent-minded." "I thought he was deranged from all I saw. From his actions, ways and appearance he seemed to me not to be in his right mind. He acted very singularly, but I am unable to find language to explain his peculiar expressions of face and look, and his singular ways and actions, which induced me to think him insane; but his ways, appearance, looks and actions irresistibly forced me to that belief."

*Robert Beach* says: "He appeared like a deranged man. His mind wandered about very rapidly, in a strange, confused manner, and it seemed to me very unnaturally. He acted as though he was not in his right mind, and I told my wife so at the time." Mrs. Babeock describes his appearance as the other witnesses do, and says, "His mind appeared to be wandering. Everything seemed mixed up in his head. He would sit in an abstracted manner, thinking and studying as though he had something on his mind. When conversing he would suddenly start from his seat and walk rapidly about the room," &c. Frank Kendall says, "He appeared to me like a man out of his head. I remember of remarking at the time he was here, that Clark acted as though he were crazy. His head seemed to be full of women; talked a great deal about getting married. When talking on other topics, he would suddenly break off and talk about women; seemed absent-minded and confused in his ideas. He would sit an hour or so, and wouldn't mind at all if spoken to, and then all at once he would jump up as quick as you can snap your finger, and rush about the room for half or three quarters of an hour, and then sit down. He acted every way like a deranged man. I have seen a good deal of deranged and crazy persons, and from a comparison of his ways, actions and looks, with others deranged, I should give it my opinion, unhesitatingly, that when he was here he was a crazy man."

To the same effect are the depositions of Margaret Getchell, Caroline Getchell, Eunice Getchell, and Joseph Keene. These Chicopee deposi-

tions, then, establish the fact that from the 19th to the 23d day of March, Willard Clark was wandering about Chicopee in a paroxysm of derangement. It is a fact of the utmost importance, and it stands wholly uncontradicted.

The evidence which we have reviewed, discloses other symptoms in addition to that of bewilderment or absent-mindedness. You have,

6. A singular expression of countenance, especially in the eye. This is noted by *Ellis*, p. 119, 1 *Beck, M. J.*, p. 536, and *Ray, M. J. Ins.*, p. 140, 141. Ray says, p. 140, "The eye has a wild and glassy look." You will remember the testimony of Mr. Terrill, Mr. Willis, and many other witnesses on this point.

7. Another symptom, to which the medical witnesses attach the highest importance, is the peculiar, unmeaning laugh, observed by Miss Barber, Mrs. Collins, Mrs. Dewey, Mrs. Hull, Mrs. Parmalee, Mrs. Potter, Mr. Duly, and Mrs. Duly.

8. Generally, a marked *change of appearance*, noticed by nearly all the witnesses, and mentioned, as important, by every medical authority.

Other symptoms of derangement have appeared which need not now be enumerated, but which were noticed by the medical gentlemen in their testimony. Some thirty-six witnesses have testified to these peculiar appearances. Many of them have expressed the opinion that they considered Clark deranged. These symptoms began to appear as early as October. They continued until the hour of the homicide, growing more and more frequent with the progress of time. In view of them, or rather in view of a portion of them, I will now read from this book (*Ellis on Insanity*, p. 105 and 106) the passage which I promised, some time since, to read you at this point:

"Intense abstraction of mind may be considered the first alteration that is observable in the great majority of patients who become insane from moral causes. The ordinary duties of life are either altogether neglected, or only performed upon the pressing solicitation of friends. After this state has continued for a short time, it becomes necessary, if we wish to arrest the attention of the patient, to speak to him loudly and repeatedly; and when at last he seems conscious of what is said, he appears as if just aroused from a dream, and relapses into the same state of forgetfulness as soon as the sound of the voice has ceased to vibrate in his ears; his whole air and manner evidently indicate that the inner man is dwelling upon a subject far different from that about which he is being addressed. The general desire to please no longer influences the character, and the dejected looks and the forlorn dress, sufficiently proclaim that the mind is entirely absorbed in its own contemplation. This is the period when the alarm of friends ought to excite them to the most active measures."

Is there a syllable of this passage which does not apply to this case; and was I not right in calling it a part of the history of Willard Clark?

And now, gentlemen, as we unfold the prisoner's history, observe that each particle of evidence, however insignificant it may be alone, derives force from the multitude of other particles connected with it. It is not any one statement or fact that establishes the prisoner's insanity, but the combination of statements and facts. We have seen, when and where we might have expected to see them, if he was really insane, the or-

dinary indications of insanity ; and the proof of those indications is drawn from such a variety of sources, and is so combined and knit together, that it cannot be shaken. But we have hardly begun to develop this case. We shall undertake to show you the character and causes of his insanity. We shall go over his past life and show that in 1850 he had an attack of madness of a decided character ; in 1847 we shall find him exhibiting signs of derangement ; we shall go back to his childhood, and see indications of a morbid mind there ; we shall go into his family and show you that his father and brother were insane.

The ATTORNEY.—There was no evidence as to the brother.

Mr. HARRISON.—Mrs. Collins said that his brother, Elmer, was deranged.

The ATTORNEY.—You are mistaken, sir.

Mr. HARRISON.—I beg your pardon. I cannot be mistaken on that point. I distinctly remember her saying so, and I have it on my minutes.

Mr. CHAPMAN.—I noticed it particularly, and I have it in my minutes.

Mr. WATROUS.—I have it in mine.

The ATTORNEY.—I have not ; neither has Mr. KEESE, nor did we hear any such thing.

Judge ELLSWORTH.—You offered no evidence on that point.

Mr. HARRISON.—It came out on cross-examination, and has not been contradicted.

Judge ELLSWORTH.—We have nothing of the kind on our minutes. The Court heard no such testimony.

Mr. HARRISON.—I heard it, and the jury heard it, and it is uncontradicted. Here are twelve men whose business it is to decide this question, and I tell them that they heard this testimony ; that it was the testimony of a credible witness ; that it has not been answered ; and that, being unanswered, it establishes the fact, as a fixed fact in this case, that the prisoner's brother, Elmer, was insane.

COURT adjourned.

*Tuesday Morning, September 25th.*

COURT opened at 9 o'clock.

Mr. HARRISON resumed his argument, as follows :

You will bear me witness, gentlemen, that so far as we have gone, I have directed your minds to a full and deliberate examination of the evidence. I have made no appeals to sympathy or to prejudice, but have tried to bring you to a cool and careful sifting of the testimony. You saw the character of the act. You saw the circumstances surrounding it. You saw in the act itself and in its attendant circumstances, evidence that the intellect of the man who did it, was, when he did it, deranged. You naturally expected to find in the conduct and appearance of the prisoner for some length of time prior to the act, some of the ordinary symptoms of a disordered mind. You found them.

You looked over his history, in New Haven and in Chicopee, for several months immediately preceding the act, and you saw, presented to you by evidence coming from every direction and source, those indications of mental disease. The character of the disease itself you have not examined. I propose now to show, by further scrutiny of the evidence, what the nature of the insanity was, and how it connected itself with the act for which the prisoner is arraigned, and how it produced that act, and how it could not have failed to produce it.

Pure monomania hardly ever exists. When a man is insane on one subject, his mind is generally more or less unsound upon others. Yet, for purposes of classification, it is very well, where the manifestations of mental disease relate mainly to one subject or class of subjects, without strikingly affecting the integrity of the mind on other subjects, to speak of this mental condition as monomania; and such is the practice. Let us read now a few words from an able writer on the Jurisprudence of Insanity, and then see how far his description of monomania will apply to this case. I read from *Pagan, M. J. Ins.*, pp. 120 and 121.

"Monomania is that form of insanity which is characterized by partial alienation of mind. \* \* \* A prominent symptom in many cases is the extreme melancholy and gloom in which the patient is sunk. \* \* \* The monomaniac, then, is a person who is of unsound mind, limited to one subject or one train of ideas, while upon other topics he may be perfectly capable of forming correct opinions, of reasoning correctly, though most probably his judgment is not so clear and acute as that of other men upon any subject. But this is not all: he is not only insane upon some one point or another, but that is the dominant idea in his mind—it is not a subject which occupies no more of his attention than its interest would seem to claim, even though he entertains erroneous opinions about it, but it is *ever present to his mind*: talking, he speaks of it—silent, he thinks of it; sleeping, he dreams of it; no other subject has the slightest share of his attention—he has no sympathy for other men's interests—he cares for nothing which does not bear some relation to the hallucination, which poisons his enjoyments, and renders life an almost intolerable burthen to him. Attacks of monomania do not reach their worst stage except by gradual steps; and at the commencement the disease shows itself, for the most part by some notable change taking place in the manners and character of the patient."

That the prisoner's mind, during those last few months, was absorbed with one subject, at morning, at noon, at night, at home, abroad, wherever he carried his aching brain, there can be no question. That this one subject related to this girl, is equally clear. And now, gentlemen, I claim to you that he was the victim of insane DELUSIONS in reference to the girl and everything belonging to her. The medical men saw this when they visited him in jail. He told them his story truly and faithfully, just as witnesses here have proved it, and those physicians, looking into his mind, could see that he was believing things in spite of such evidence as would have satisfied any sane man that his notions were false. He gave absurd reasons for his belief—reasons which tended only to prove that his belief was unfounded. Why, gentlemen, there is now in the Retreat for the Insane at Hartford,

a man who commenced at this bar the most brilliant career that ever opened before a young man in the State of Connecticut. Some twenty years ago he conceived an affection for a young lady in this city. He was unfortunate. His disappointment preyed upon his mind. His conduct was marked by singularities which, though afterwards remembered, attracted no particular notice at that time. For fifteen years he brooded over this grief. He became melancholy and morose. At the end of that time he became the victim of insane delusions in reference to another lady here. He thought that she loved him. He haunted her house. He was driven from it. He returned. He was persecuted with law suits. The delusion remained. He, too, gave absurd reasons for his belief. It was a belief not founded upon evidence; a belief contradicted by all evidence. It was not a mistake. A mistake is an erroneous interpretation of evidence. A delusion is a sincere belief in spite of, and in opposition to, evidence satisfactory to every sane mind. The insanity of the gentleman to whom I have referred became, at length, so manifest, that he was sent to the Retreat, where he still remains, a lunatic. You cannot fail to see the resemblance between the case just mentioned, and the one under consideration.

Let us begin with Clark's first attachment to this girl. It is rather singular that a man of his age should have conceived such an attachment for a mere child, thirteen or fourteen years old. More singular was his reason for thinking that she loved him. What was it? Why, "that he could never approach toward her as he could toward other children,—that if he attempted to go toward her, she would leave the store." This attachment commenced in 1852. In the summer, at Waterbury, he made it known to her; she refused to talk with him. Afterwards, under the advice of her mother, she engaged to marry him. So far as an engagement, so brought about, is to be taken as evidence of affection on her part, let it go for what it is worth. This, however, is evident, that as early as May, 1853, her dislike for him became apparent; and between that time and January, 1854, when the engagement was broken off, she repeatedly told him that she did not love him. Hear what Mrs. Bogart says on this subject:—"At other times she had told him she did not like him—she said, 'I don't want you, and I can't marry you.' Up to May, 1853, when we moved, she loved him, I think. After this it became apparent that she did not love him. I think, about that time she communicated the fact to him. During that season she communicated this fact to him a number of times, and Clark spoke to me about it and asked if I didn't think she liked him; I told him the time had been when she had liked him, but, I said, 'you know what your conduct has been, and she is capable of hating you as much as she ever loved you, *if she ever loved you at all.*' Between May, 1853, and January, 1854, I several times told him the same as to tell him that she did not care about him." Again, speaking of the same period, she says that her daughter "denied herself to Clark; she sometimes absented herself from him and went away when she knew he was coming. Sometimes she went up stairs when he came. She refused to see him, and some-

times, while in the room with him, exhibited a disinclination to converse with him. He remonstrated with her and *in reply she said she could not love him.*" And Mrs. Wight herself, in addition to this, says that long before the engagement was broken off, she had made up her mind to discard him, and although she does not fix the time when she first came to this determination, she will not say that it was not as early as May, 1853. She says: "It was some time before the engagement was broken off that I made up my mind to break it. I do not recollect when I first told him that I had no attachment for him. I told him frequently that I did not like him." But what was his reply? "He insisted on those occasions that I *did* love him, and told me that I *must* love him." The fixed idea. Notwithstanding her treatment of him—running away from him when she knew he was coming—going up stairs when he came—avoiding him whenever she could—telling him repeatedly that she did not love him—(her mother, too, telling him that she did not love him)—proving by all her actions that she did not love him—it having been perfectly apparent through all this period that she disliked him—and such dislike in such cases is always apparent—he still to her face insisted, "You *do* love me and you *MUST* love me." That is just the way in which an insane man, whose mind is under the dominion of one absorbing thought, will talk and act. She refused to give him her daguerreotype; and from May, 1853, to January, 1854, you cannot find the least act on her part which a rational mind could have construed into a sign of affection for him. On the first of January, 1854, the engagement was broken off at his request, and in a manner, the singularity of which must have attracted the attention of the Jury. He had told one of his friends that he was going to be married next Sunday. He goes to the girl and insists that she shall marry him within a week, but she refuses;—"within a fortnight"—she still refuses. He requests her to give him a written dismissal, dictates it, and she gives it. And now what did he say about it immediately afterwards? He told Mrs. Parmalee the exact truth, so far as the facts, unconnected with his inferences, were concerned, as he has always told everybody the exact truth. Mrs. Parmalee tells us that he said he drew up the paper, and that "she signed it at his urgent request. He felt that he had done very wrong in *compelling* her to sign it. He reproached himself for being so urgent about it. I didn't ask him why he came to press the breaking off of the engagement. When I told him that she didn't love him, he would turn back on me and say that she did love him. It was him that was to blame, he said." Even when she rejected and dismissed him he retained his confidence in her affection. He had "*compelled*" her to do it against her inclination; and himself, not her, he reproached. And it appears that in jail he told Mr. Garfield—if we are to attach importance to anything that Mr. Garfield says—the same story. He said he felt that he had been injudicious in urging the girl to give him up, and blamed himself for it. A sane man would by this time have had suspicions that Wight had something to do with the girl's behavior. Clark knew that Wight had lived in the same house with her and had long been intimate

with her family. There can be no doubt that Wight was then the object of her affections. Any one but an insane man would have seen it. Clark did not dream of it. Immediately after the engagement was broken,—indeed the next evening—Wight became, and thence continued, avowedly attentive to her. This too, Clark knew and disregarded.

We will now take up the period between the breaking of the engagement and the commission of the homicide. But first, I may as well refer to certain circumstances affecting in some degree the character of Clark for propriety of behavior. It is said that some time before the engagement was broken, he gave Miss Bogart some verses of an improper character. We know not what those verses were, but we do know that Henrietta took them; that she gave them to her mother; that her mother kept them until Clark called again; and that she gave them back to him. Perhaps then the verses were not quite so "vile" as they are now thought to have been. It is also stated that he attempted to take improper liberties with the girl. What those liberties were, we are not informed. Possibly, they may not have been so very improper, after all. But suppose they were, gentlemen. If they were gross, how could a sane man, after offering such an insult to this pure-minded girl, have continued ever after to believe that she loved him? If they were merely improper and nothing more, why, it is an incident in a man's life, showing that at a certain point of time, he did entertain impure thoughts. Who will cast the first stone at him?

Between Jan., 1854, and the time of the marriage, his visits were frequent, and although no change of sentiment on her part had been expressed, he begged Mrs. Bogart to interfere, in order to induce a renewal of the engagement; but she refused, telling him it would be of no use. She says that "it was to put an end to these solicitations, that the presents were returned," and still he told Mrs. Bogart that Henrietta "did love him." Then he brought the melodeon there and forced it upon them. Mrs. Bogart says, "I said it wouldn't be proper, you know she will never be anything more to you." Again she says that the melodeon was, the first time, given to her, for Henrietta's use, but that she, Mrs. Bogart, then told Clark "that Henrietta could never be anything more to him." She further says that the engagement was never renewed, that she never, in her interviews with Clark, purposed or designed a renewal of it, and that she never said anything tending to induce in his mind a belief that it would be renewed. Yet he forced the melodeon on her for Henrietta's use, believing that she loved him and secretly wished to accept it. It is agreed that during this period the girl never said or did anything to encourage him. On the contrary, she refused to play on his melodeon, would not learn how to play on it, and would not meet him, when, at his request, an appointment had been made for him to come and play. Mrs. Bogart says: "There was an appointment at Clark's request, while the melodeon was there, for him to come up and play. Clark came at the time appointed. My daughter was not there. I suppose she went away to avoid seeing him. He asked where she was and I told him she had gone away. He said it was strange." Yes, the

girl runs away from him, breaks an appointment, that she knew had been made for her to meet him,—inflicting upon him an insult never to be forgiven by a young man of sensibility, until explained—no excuse is offered, and yet he “thinks it strange,” and his confidence remains unshaken.

After Wight renewed his attentions in October, 1854, Wight insisted that the melodeon should be taken away. This was told to Clark, and he was ordered to take it back. He took it, but all that he said, was that “he didn’t see any harm in her playing.”

We come near the time of the marriage. Mrs. Bogart says that not long before the event occurred, Clark asked if Henrietta was going to marry Wight. “I think this was my answer, ‘I don’t know as it’s anything to you.’” Mark his answer, gentlemen. “He said he thought it was.” Mrs. Bogart replied: “She certainly would never have had you.”

The marriage takes place March 12th, 1855; and now we have reached the period when the symptoms of his insanity were growing more and more numerous, and attracting the attention of various persons. In a week after the marriage, Clark, having suffered indescribable agony, wandered off to Chicopee; and how he behaved there you have not forgotten. He came back and continued his visits to the girl, as before. Her marriage made no difference. She would have nothing to do with him. “On all occasions when Clark called after the marriage,” says Mrs. Bogart, “Henrietta declined having any conversation with him. He said he wanted to talk with her, but she refused to say anything at all to him.” One would suppose that though his confidence had never been shaken before, her marriage to another man would have destroyed it. He only says that “Wight had gained a mysterious influence over her;” that it is “a mystery” to him, and that he “doesn’t understand it;” and he still claims to Mrs. Bogart that Henrietta loves him, and that she does not love Wight, nor Wight her. Then came another delusion, growing out of the first, touching the purity of the girl whom he so dearly loved, and the character of Wight—a delusion in regard to the nature of Wight’s intercourse with her. There was no foundation for it; not a particle of evidence to sustain the belief, which he unquestionably entertained, although it was “a mystery to him,” and he “could not understand it.” Then he goes to Mrs. Bogart with a paper of which she has spoken. I am sorry we could not get her to state its contents. But one thing is certain. This man, after the marriage, went to the mother of this girl, and solemnly delivered to her a written document, in which he declared that Wight had married the girl because he hated her, and for the purpose of making a concubine of her. He does it gravely and seriously, as if he believed the story, and Mrs. Bogart says she thinks he did believe it. I will read here a portion of her testimony: “I well recollect of his bringing me a writing after the marriage. I don’t know to whom it was addressed. I looked it over. I didn’t deliver it to her. Clark asked me to hand it to her. I refused. I didn’t think it proper. I told him I would not hand it to my daughter. I cannot state what was in it. I should think it covered a side of letter

paper. I think it was likely that the writing said that my daughter had been constrained to marry Wight. Clark had said that to me himself. I do not remember that the writing said that Wight had married my daughter to victimize her. He had told me that before. It was a writing he had no business to give me. I cannot precisely recollect anything in it. I cannot state what was in it. If I make one answer, that will lead to another question. He had no business to give me any such writing. The idea of it was that she was improperly living with her husband." Again she says, referring to this paper, "In the letter he said that Wight wanted to make a concubine of her." And again, "I suppose likely enough he thought there had been an improper intimacy between the two. There was not the slightest foundation for this idea."

On another occasion, after the marriage, Clark, this infidel, as he is called, whose ideas upon religion had, I grant, become disordered,—but never until he became insane, gentlemen, never,—this infidel comes up, and gravely recites to Mrs. Bogart, from a half sheet of paper in his hand, what he calls a sermon—a discourse written by himself, having no text, but being, as Mrs. Bogart says, of a religious character. What does this mean, gentlemen?

The plot thickens. He has now a "plan of relief for the family." I will give you Mrs. Bogart's words, for I mean to sift the testimony just as it was given, through and through. "Mr. Clark said to me, then, twice, that my daughter was obviously unhappy. He said he thought she liked him better than her husband, and that was the cause of her unhappiness. He spoke of improper intimacy between Henrietta and Wight, as the constraining cause of the marriage. He said he had a plan for the relief of the family. He proposed to have her leave her husband. I asked him what he meant by that, and what he meant by saying that she lived in such a state. I told him she was married, and lawfully married. He wanted to know how I knew it—if I saw her married? I told him I did not. He said he had a relief for her. The plan was, that she should run away with him. In answer to my inquiry as to why my daughter was not legally married, he said she did not love Wight; he said that in the sight of Heaven such a marriage was nothing." Here was a newly married couple—Richard Wight, a worthy and respectable young man; Henrietta, his wife, a pure-minded and respectable young woman—living happily together, under the same roof with her parents. And yet this man deliberately goes into that house, and insists that this bridegroom has married the girl for the purpose of tormenting her, and with the design of making a concubine of her; and seriously proposes to her mother that this young bride shall run away with him, her despised and discarded lover! He makes this proposition with earnestness and sincerity. Gentlemen, is he sane? Shortly afterwards he constitutes himself guardian of the girl, and says she must not leave her home. I will show you, presently, what view I take of that subject. But, in reference to the girl's affections, and the designs of Wight, it is not to Mrs. Bogart alone that he talks. He tells the story to others, and there is uniformity in his conversations on those

subjects. Mrs. Parmalee, speaking of her interview with him on the day before he went to Chicopee, says, "He cried violently. My daughter gave him a handkerchief; he used it an hour until it was wet in his hand; he cried for two hours almost constantly. I tried to console him. I said Miss Bogart did not appreciate him, or she could not have done so. He said she did love him, he knew she did. I asked how she could have married Wight, then. He said he could not understand it—it was a mystery to him." In this conversation he spoke of Wight as being unworthy of the girl, but said nothing evincing unkind feelings on his own account, towards him. On the Tuesday preceding the homicide, "he said Wight married Miss Bogart because he hated her, and married her to torment her. He said it was a mystery to him why Miss Bogart married him; said Wight had gained an influence over her—that she did not love him. He appeared very uneasy—wringing in his chair." "He said they were living together in adultery. I was surprised and shocked; he was always very chaste in his conversation. He went on and tried to prove it. He said she didn't love him, or he her, and that in the sight of God there was no marriage between them. I noticed, when he went away, a very unmeaning laugh, which I had never noticed before." In the same way he talked to his sister. One day, some time after the marriage, she said, "How can you feel so, Willard?" What was his reply? "My feelings are *nothing in comparison with her's.*" "I should think, then, that she would show it sometimes," said his sister. "She is proud, she can conceal her feelings better than I can," is his answer. On another occasion when he was crying and pacing to and fro, his sister asked him how he could feel so, and he replied, "How should you feel to have your child with a person who was going to be tyrannical over him all the days of his life?" She understood him, and asked if he thought Wight tyrannical, and he said he did. Certainly at the time when he last talked with Mrs. Parmalee, four days before the homicide, he had seen evidence enough, and more than enough, to satisfy any sane man that Mrs. Wight did not love him. Yet he insisted that she did.

In that conversation, he talked in a strange way about the melodeon. He gave a prolonged statement, in order that Mrs. Parmalee might deduce from it his reasons for taking the melodeon back, instead of telling directly why he did it. He seems to have had mysterious, indefinite ideas about this melodeon, and while talking with Mrs. Parmalee about it, "clothed his conversation in mystery," as she says. On the same day, Mrs. Parmalee tells us, "he said they were going away that week. He said she did not speak to him; said he supposed it was because Wight objected to it. I asked if it was in consequence of his visiting there that they were going away. He said he supposed it was. I thought then I would remonstrate with him for going there. I said, 'Willard, you won't go there any more, will you?' He said, 'Yes, I will; I don't know but I shall finally make it my home there.'" You have here the secret of his anxiety to keep the girl at home, and of his efforts to persuade the mother to interfere and prevent her removal. Gentlemen, I

say it is apparent that Clark, believing that Henrietta loved him and that it was his duty to defend her, did entertain the idea of going into that family, and making it "his home there" for the purpose of being her guardian, and of protecting her

—“from the swift and violent Hell  
Her beauty had enchanted.”

He thought he could persuade the family to prevent the young bridegroom from taking away his bride. It had become a constant thought with him now, that he ought to become the guardian of the girl and save her from all evil. These were the delusive ideas that now possessed the mind of this once intelligent and clear-headed man. This belief, in opposition to all reason, that Henrietta loved him, was manifested also in Chicopee, incidentally and to a stranger. Frank Rendall tells you in his deposition that Clark, speaking of the women whom he had loved, said—mark the expression, gentlemen—“That they were *all true to him*, but things happened so that they married others—through luck.”

All this proof of his delusions, gentlemen, is entirely independent of the medical testimony. But there is evidence stronger than all this. When, where, to whom, has he admitted that she did *not* love him? If he has, at times, been anxious; if he has ever feared that she did not or could not love him as much as he loved her; if he has ever felt for a moment conscious that his insane love for her was more than equal to her love for him; if he has ever supposed or admitted that he had given her some temporary offense and excited for the moment her displeasure, and has reproached himself for it—for the insane idea is not always uppermost even in the insane mind,—yet has the sun ever shone out again, dispelling all anxiety, or fear, or pain; and never in his soul has he believed, nor does he now believe, that she ever ceased, or ever will cease, to love him;—never before the homicide,—never since,—never. In Chicopee he claimed that she loved him; to Mrs. Parmalee he has always claimed it; to his sister he has repeatedly asserted it; to the girl's own mother and to herself he has insisted upon it. He has been prepared to defend her against all evil, and determined to have her kept at home and to “make it his home there,” in order the better to watch over and protect her; and though never, since May, 1853, has he had the slightest evidence that she entertained a particle of affection for him,—(any more than the gifted gentleman to whom I have referred had evidence of affection from the lady whom he persecuted,)—though ever since May, 1853, he has been receiving from her daily tokens of dislike, disgust, and even of a willingness to insult him; he has never since that time admitted a belief that she had ceased to love him. Here, then, is a delusion, gentlemen, in the medical and scientific sense of the term—a false belief which none but an insane man could entertain. And you see how his statements to the medical gentlemen, made with entire freedom, made before he or anybody else could know what testimony would be adduced here, are confirmed by all the evidence.

Closely connected with, and growing out of, his delusion in regard to the girl's love for himself, is his delusion in relation to the seduction of the girl by Wight. The existence of this delusion, like that of the

main one, is proved without reference to the medical witnesses or to any statements made to them by Clark. We prove it by Mrs. Bogart. It was to her that he told the story of the seduction. He is not a slanderer, gentlemen, telling stories to other people about this girl. It is to her mother that he goes and says that Wight had seduced the girl and constrained her to marry him. And what proof does he offer? None; her marriage is "a mystery" to him; Wight has got "an influence over her;" he "doesn't understand it;" Wight has seduced her and that accounts for it. Mrs. Bogart even, does not doubt that Clark believed it. And she says that when Clark first intimated it to her, he said that the thing would make no difference with him. Yes, he was ready to take and to protect her, poor, lost, debauched as he believed her to be, and he was glad at the thought that, after all, he might have her. He was longing to take her. "He said that nothing would make any difference with him; he would marry the girl if he could get her." So says Mrs. Bogart, and she adds—"I suppose likely enough he thought there had been an improper intimacy between them. There was not the slightest foundation for this." And there *was* none. Clark's belief on this subject was the offspring of his own fancy. The conceiving of such a belief was the way in which a disordered mind would enable itself to account for circumstances which its delusion would not permit it to account for in a sane way.

There were other delusions. As we approach nearer the time of the homicide they become more apparent, more marked, more disconnected and more numerous. In reference to his delusion concerning the motives of Wight in marrying the young lady, and concerning Wight's intention to corrupt and ruin her, I have incidentally said enough already. On the 17th of March his sister said he looked very wild, and asked if when people died they did not put a black cloth on the table. She asked him if he expected to die, and he laughed and looked silly. She never had seen that laugh before she came to live with him; it increased in frequency afterwards. At another time when there was but little fire in the room, the door being open and the air chilly, he declared that they were roasting him. Again, he claimed to his sister that he knew more than anybody else.

Now, gentlemen, I must read the medical testimony, or a part of it, to show how this man's delusions have continued to the present time. I prefer to read, although I may be tiresome, because I wish to give, as nearly as possible, the exact language of the witnesses. Doctor Butler said—I will read such parts as strike me—"I saw him first on the 4th of August," &c. "I do not think he knew me. I did not lead him to understand in any way, who I was. I saw him again, August 21st." "He said he became acquainted with her in 1851; that he was very much pleased with her; she seemed unlike other girls; he could not get near her, she would leave as he approached her; he became very much attached to her and she to him." "He said that though she was very much attached to him, he could never induce her to give him the usual tokens of affection; she was very much in love with him, but too modest to say so,

and would play tricks upon him; she was very apt to try hard to provoke him." "Sometime afterwards they had a quarrel, when the engagement was broken off, which, he said, was a source of great distress to her; she suffered more from it than he did." "He said that Wight had no love for the young woman; that he wished to do her mischief; that that was the sole object of his attentions." "He said that Wight had obtained great power over her—had seduced her. I asked his reason for this belief. He said it was very evident, but gave no reason; he said it was clear enough, but why it was so he did not say." "He said that Wight, finding he could not again deceive her, married her, with the intention of removing her from her friends, inducing some one to debauch her, and then turning her on the world. I asked how Wight could succeed when she was so much in love with him, Clark. He said he didn't understand it—that she flung herself away on Wight, either through the influence of drugs, or because she was broken-hearted." "He said Wight had a deadly hatred to the whole family. He did not give any cause, reason or evidence,—nothing but the bare assertion. Said he felt it his duty, under these circumstances, to save the girl at all hazards—that she loved him devotedly; that she hated her husband; and that Wight was dragging her down to destruction. Said she was very proud and high-spirited, and would, of course, fall the deeper when she fell, and he must save her, one way or another. I endeavored to draw from him some evidence of her attachment for him. He could give none. All his remarks went to show that she disliked him and had no affection for him. The facts that he referred to, as evidence of her attachment, were, to me, evidence of the contrary. He said she would not speak to him when he came into the room, because she was controlled by her husband, but that as he left the room he caught her eye and saw the truth in it. He said it was evident enough: he said that once when he was there she got into her husband's lap and kissed him—but that as she left the room *she gave him, Clark, a look of appeal to rescue her from destruction, and he determined to do it at all hazards.* He told a number of other similar incidents. He gave, as an evidence of her affection for him, that on one occasion she called him by her husband's name, Richard." He knew this to be an intimation that she loved him. So the gentleman to whom I have referred, when a carriage was driven and turned round in front of his office by a brother of the lady to whom his delusion related, knew that the lady had caused the thing to be done, as an intimation to him that she loved him and wished him to come and visit her. So Clark, hearing Mrs. Wight inadvertently call him by her husband's name—a circumstance tending to show that she was all absorbed in her husband and thought of nobody else—believes, and afterwards gravely adduces the fact to Dr. Butler, to prove, that the girl meant to be understood that she regarded him, Clark, as her true husband. This evidence he presents to the Doctor in all seriousness and sincerity. A conviction of his entire truthfulness, has impressed itself upon the mind of the Doctor, and of every other man who has seen him, either before or since he went to prison. The other evidences which he

gave of the girl's affection for him were, as Dr. Butler says, of the same character. "A number of facts he adduced as evidence of her affection for him, which to my mind evinced dislike; but evidences of affection for Wight, he quoted as evidences of love for himself." Clark having explained his view of the propriety of his conduct in killing Wight, "I expostulated with him," says the Doctor, "I said, 'you violate the laws of God and man, the law laid down in the Bible, and the law of the land, but he said that he took a different view of the Bible doctrine—said that in many cases in the Old Testament the taking of human life was highly commended, spoke of the staying of the plague by Phineas' killing Zimri; and quoted from Tupper's Philosophy, 'fear not to smite the ravisher; What though he die at thy hand.'" You remember that he told Mrs. Parmalee and Mrs. Bogart that Wight and the girl were living in a state of adultery. When he went to that house on the evening of the homicide, he regarded Wight as a ravisher and believed that he was taking the girl away without her consent. Dr. Butler spoke to him about the evidence which Mrs. Wight had given of her affection for her husband and her dislike for Clark. He admitted that she might seem distressed, but said that "the great trouble was that she was now liable to exposure—the secret of her seduction must come out; she would by and by get over it and would be glad of what had been done." He inquired what public opinion was, and said "he had done right—that people didn't understand it, and he might have to suffer." "He seemed calm," says the Doctor, "and told the story consistently, clearly, and with every appearance of believing the whole of it." The Doctor goes largely into details, and then says, "after those interviews I came to the conclusion that at the time of the homicide, Clark was not of sound mind. I was satisfied of that fact." This, gentlemen, was before the Doctor had heard any of the corroborating evidence which we have produced before you. He drew his conclusion from the man's appearance, from his evident sincerity in telling the story, and from the evident absurdity of the story itself. He was satisfied that Clark, at the time of the homicide, and at the time of his interviews with him, was laboring under insane delusions. Such was the opinion, gentlemen, of one who has had large experience in the treatment of the insane—an opinion now fully fortified and confirmed by the evidence adduced upon this trial.

Dr. Earle corroborates Dr. Butler in every particular. I will not spend time in repeating his testimony. He too, was impressed with the clear conviction that Clark believed the absurd story which he told. The sincerity of Clark was, to him, unmistakably manifested. He had no doubt about it. He saw that Clark's mind was wholly absorbed with its delusions and that he was the victim of monomania. Dr. Ray, too, who stands at the summit of his profession in this country,—whose opinions are cited with the highest respect by European writers on the subject of insanity,—who has, in his department, no superior, if he has his equal, in the world,—hears the narrations of the other physicians given here in court, and tells you, upon his professional character, and under the solemnities of an oath, that those narrations, if true, prove unequivocally and dis-

tinctly, that Clark was laboring under "a gross and very well defined delusion."

And who undertakes to rebut the evidence of those physicians? Not one medical witness. Not one solitary man who pretends to know anything about insanity, or to have had the least experience in the treatment of insane people.

I may as well allude here, gentlemen, to a matter that has been made much of; and I must express my surprise and regret that, in a case of this sort, the learned gentlemen should feel themselves justified in adopting the line of remark upon which I am about to comment. It appears that Dr. Jewett, without the knowledge of the prisoner's counsel,—a thing of which I am not now complaining,—was sent by the State's Attorney, two or three weeks before the commencement of this trial, to the prisoner's cell, for the purpose of subjecting him to an examination. And it appears too, that the prisoner was just as willing to talk with Dr. Jewett, as he had always been to talk with everybody else. He expressed that willingness to the Doctor—not declining to talk with him, but saying, as the Doctor testifies, that he "*preferred*" not to talk "*until he had seen his counsel.*" He also informed the Doctor that his counsel had been advising him not to talk with everybody about his case. He did not wish to do it in this instance "*until*" he should have secured the consent of his counsel. It further appears that we withheld our consent, and that consequently the proposed examination did not take place. The conduct of counsel,—having a man's life in their keeping,—anxious and distressed on his behalf, and desirous of protecting him against improper interference,—knowing as they did, that men with violent prejudices and vindictive feelings had been intruding themselves upon him in his cell, trying to extract something from him which might bring him to the gallows, something which their disordered imaginations could pervert to his destruction—knowing that wolves, aye wolves, gentlemen, (and in sheep's clothing, too, some of them,) had been prowling around him, thirsting for his blood—knowing that men had been hanging about him who were angry because he entertained no high respect for their character, men who have claimed to be betraying here communications which they, as clergymen, would have regarded as confidential if he had treated them and their opinions with due respect—the conduct of counsel, under these circumstances, in guarding against unwarrantable interference, a man so situated, by urging and entreating him not to talk with everybody about his affairs, needs, as one would suppose, but little justification. And yet this conduct of ours has been considered, by respectable members of the profession here, a proper subject for comment and animadversion; and they have seen fit, in this connection, to cast upon us the imputation of insincerity. I am satisfied that such a line of argument will not be renewed. For myself I care nothing; but it is due to this prisoner, gentlemen, that I should say, and call your attention to the fact, that long before the visit of Dr. Jewett, we had exposed this man to the critical examination of Dr. Butler in our absence. We had sent Dr. Butler into his cell, alone,—Dr. Butler, a man of consum-

mate skill, who, if the prisoner had been really sane, or if there had been any false pretense about him, would have been of all persons the one most likely to detect the truth. We had sent Dr. Earle in there,—a man of great experience, who, if there had been on the part of the prisoner any attempt at simulation or any want of frankness and sincerity, would have infallibly discovered it. Will it be said, now, that, having done this, having exposed the prisoner to the scrutiny of a professional man like Dr. Butler, living in this State within reach of process, sure to be used as a witness against us if he should not discover in Clark the symptoms of insanity—Dr. Butler, the very man whom the Attorney himself afterwards selected as the proper person to make, for him, such an examination—having sent into that cell Dr. Butler, whose testimony, if against us, would be death, and having sent him in there alone, to make just such examinations as he pleased—will it be pretended that the counsel for the prisoner have doubted the existence of his derangement, or have feared examination of the most thorough and persistent character? Gentlemen of the jury may not see, but gentlemen of the bar will see—and I think everybody will see—that there may have been another reason, and a good reason, why we did not think it proper that any person, sent by the Attorney, should, at the time when Dr. Jewett went there, on the eve of this trial, go and see this prisoner, and find out and communicate to our adversary the precise line of our defense. It was, as you have seen, a subject of hesitation, on our part, whether we would consent to this proceeding or not. We hesitated; but we concluded that we had no right, at that time, to disclose to the prosecutor the exact nature of our defense, as it would have been disclosed if the examination had taken place. In so deciding, we may have erred; but if we did, that is not the fault of this prisoner; and the fact that we so erred, throws no light upon the question whether he was insane or not. He was willing to talk with Dr. Jewett if his counsel would consent to it. He has always been willing, as you have abundant proof, to talk with entire freedom to everybody.

There being then no rebutting evidence derived from any person pretending to an acquaintance with the subject of insanity, let us see what other evidence is offered in reply to the mass of testimony on our side which has been thus far reviewed. The evidence of witnesses who did not see *anything*. Forty or fifty witnesses who *did* see manifest symptoms of insanity,—and, to rebut their testimony, some twenty or thirty men are brought here to testify that *they did not* see them. Most of them, I agree, have so testified. Who are they? I will go through the list, one by one.

*Lee Dunning*, who has seen Clark little during the “last two years,” and has not noticed anything peculiar in his appearance.

*Edward Bryan*, the jailer, who has “seen him almost daily” since he came to the prison, but who had enough to do without watching Clark, as we all know, and who does not profess to have directed his particular attention to him.

*Charles Beers*, who has noticed nothing strange about him, although Clark, having shot a man, told Beers he had shot "a two-legged cat."

*Elisha M. Gorham*, who saw Clark on the evening before the homicide, but "had not seen him for a year or two previously."

*Sherman W. Knevals*, who has seen him in jail on Sundays, and, as a Sunday School teacher, has had, on those occasions, his own duties to attend to. Mr. Knevals has, however, had one or two conversations with Clark, which he has detailed to you.

*Andrew Bryan*, jailer, who has seen Clark while in prison, but has had his hands full of his own business, and does not claim to have noticed Clark particularly.

*J. M. Garfield*, to whom such credit will be given, doubtless, as he deserves, who saw him in prison, and had conversation with him, and to whom he evidently manifested his monomania, expressing his affection for the girl, and blaming himself for having been "injudicious in urging her so persistently to marry him;" saying that he had "thought that if he urged the marriage and made it a *sine qua non*, she would marry him at once, and that he was surprised at her discharging him."

*Smith Dayton*, who saw him in prison "for his spiritual benefit," and could discover nothing singular in the conversation of a man who "said that he had read only one page of Paine's Age of Reason, and that that convinced him that it was true." Clark had had a religious education, but after reading one page of Paine's book had become convinced of its truth.

*Jacob Gould*, who "has not seen him frequently for the last year and a half," who did see him, however, in prison, and to whom Clark declared "that he had no other wish in killing Wight than to promote her (Mrs. Wight's) happiness," and "that he had no malice towards Wight;" thus disclosing, to some extent, the monomania which other evidence has now distinctly shown.

*Alfred Weld*, who saw him in jail, and to whom he seems to have talked strangely about "free agency," maintaining that the doctrine of free agency was not taught in the scriptures, and arguing an hour about it. Weld did not, however, consider him insane.

*John Esma*, who saw him frequently, but does not say how frequently, and mentions no conversation, and who saw him on the day of the homicide, but did not have his attention attracted to anything peculiar about him.

*Mrs. Beers*, who has seen him often, and noticed nothing strange.

*Henry Lampson*, who traded with him once or twice a week, but says that his little boy generally did the trading; who considers that he has seen him often, however, and has noticed nothing strange in him. Lampson asked him, on the day of the homicide, if he had any onions, and Clark said "no."

*Lockwood Lake*, who has "not seen him more than once or twice for eighteen months!"

*Henry Thompson*, who is sure that he "has not seen him for two

years back, more than two or three times;" and "don't know" as he has been into the store, at all, "in two years."

This is the kind of testimony, gentlemen, or rather the kind of rubbish, that is dug up and brought here, and seriously offered to your notice while you are considering a question of life and death. How desperate must be the desire to make a victim of this man, at all hazards, when such evidence as this is boldly presented to a jury!

*R. A. Strickland* has traded with him "occasionally," and "may" have seen him four to six times during the last fall and winter; and may not—for he does not swear positively about it.

*Joseph W. Hammond*, whose "business with him was occasional," who was in the store frequently in March and April, but who "seldom saw" Clark during that time, Clark being then "generally in the back office," instead of attending to his business.

*Samuel W. Davis*, who has traded with him "some," and who has "not seen him more than from three to five times during the last year."

*Isaac W. Judd*, who has "known nothing of him within two years!"

*Henry S. Mandeville*, who has seen him once or twice a week, but mentions no conversation with him.

*D. W. Buckingham*, who has had "some" dealing with him, but whose intercourse with him has been "not very considerable."

*William F. Hendricks*, who has seen him at the house of Mrs. Bogart; but mentions no conversation, and evidently has not seen much of him.

*Dr. Jewett*, who has had but a moment's conversation with him in the jail.

*Dr. Knight*, who had but a short interview with him when he went to inquire about the pistol; did not go for the purpose of investigating the question of his insanity; and did not direct his thoughts to any such inquiry. Dr. Knight was struck with the freedom, and the unrestrained and easy sincerity, of his manner.

*Dr. Hubbard*, who saw him but a moment.

*Charles Harris*, who says he saw him on the day before the homicide, and "thought he appeared different—can't tell how."

*Hezekiah Gorham*, a neighbor, who had known him for seven or eight years, and was in there a great deal—who says that for six or eight weeks before the homicide he had noticed a change in Clark, and that Clark seemed "love cracked."

Mr. Gorham also confirms the statement of Canfield in relation to Clark's attack of madness in 1850.

Twenty-six witnesses in all. Twelve of them do not pretend to have seen Clark, at all, for a year or more, if ever, before the homicide: of the remaining fourteen, seven do not pretend to have seen much of him; and of the seven who still remain, two corroborate our own witnesses; leaving five persons who, before the homicide, saw him often, and do not recollect seeing anything strange in his appearance. That is the "rebutting" evidence, as it is called; and that is the whole of it. Is it credible that this is all—and that this miserable stuff should be offered,

and relied upon, as an off-set to the mass of positive testimony which we have introduced in this part of our case?

I have shown you, gentlemen, the circumstances under which the act was committed—the symptoms of derangement connected with it and preceding it—and the existence, in this man's mind, of insane delusions which produced the act, and which have continued down to this moment. It might be naturally supposed that by extending our inquiry farther back into his history, we should find earlier evidences of his insanity than those already alluded to. We do find them. In 1850 his mind was deranged. He felt an impulse to kill his brother, towards whom he had always been affectionate—an impulse without provocation, and one which he feared that he could not control. But, always honest, always honorable, always mindful of his obligations to others—even while he was saying to himself, "I shall kill my brother—I cannot help it—I feel it coming—I shall kill him," he forgets not his duties towards those who had placed confidence in him. He goes to Canfield and says, "I fear I shall kill my brother—you are my confidential creditor—I want to secure you." He gave no intelligible reason for his fear that he should kill his brother, but said, "he couldn't help it;" and when Canfield asked him if he knew the consequences of such an act, he said, yes; but he "couldn't help it." He was solvent; there was no reason why he should secure Canfield; and he gave none, except that he feared he might kill his brother and didn't know what might happen. Nor did he give any intelligible reason for his fears. Canfield saw that he was in earnest, and remonstrated; but in vain. Canfield became satisfied that he was deranged; and he has told you, again and again, that he then thought so. But more—he acted upon that belief. In consequence of that belief alone, Canfield, apprehending that Clark, being crazy, might kill his brother, and not knowing what mischief might follow, attached Clark's goods within two hours; and this is a fact which cannot be got round. There was a period of some days, as it would appear from Gorham's testimony, during which Clark was crazy and reputed so; for during that week Clark came to Gorham, said he was afraid they would get his money away, and asked Gorham to take it. He behaved strangely; gave, as Gorham says, no intelligent reason for his conduct; and Gorham, like a careful man, called in a witness to see how much money Clark gave him. A few days afterwards Clark came to him, as if he had waked from a dream, and said, "Didn't you get some money from me one day?" "Yes—don't you know how much?" "No, I do not; I think I gave you some, but can't tell how much it was." Gorham asked for an explanation of his conduct, and Clark replied that "He didn't know about it, but that Canfield had said he thought he was crazy." The evidence of Canfield and Gorham is all the evidence that you have in reference to Clark's state of mind during those few days. It establishes a most important fact in the history of the prisoner.

Let us go further back, and follow him up. Pardon, gentlemen, pardon me if I weary you. You would not impose upon me the weary

and painful consciousness of having failed to do my whole duty to my schoolmate,—whom I respected in his boyhood; have respected since; and, notwithstanding the cloud that darkens his intellect, respect now.

In 1847 he manifested symptoms of derangement, arising from exciting causes similar to those which produced the final explosion on the 28th of April, 1855. He became strongly attached to a young girl in Chicopee. She deserted him, and married Spencer. He waited a few months. It worried him; it preyed upon his mind. He thought of going to see her. He went. He insisted on seeing her alone; but she would not consent to it. He stayed at her house some two or three days, although they gave him to understand that his presence was not desired. He wept fitfully. He behaved in such a manner that they felt it necessary to get away from him a knife which he carried; and they did so. They were afraid of him. They felt relieved when he went away; and after he had gone, they feared that he would do some fatal mischief to himself or to others. He returned to Chicopee.

*Melville Daly* says, "He was altogether changed when he came back—came in the beginning of the evening. He seemed disconsolate and down-hearted—didn't eat any supper—in the evening shed tears about the affair—said she was married. After that, when the folks were gone to bed, he did not want to go to bed, but walked the dining-room, to and fro, and cried, and took on pretty hard. At last I coaxed him off to bed. Frequently afterwards he would pace the room, to and fro, silent and in thought. I used to ask him if he was worrying himself about that Scott girl; and he would say, he was. I would try to reason with him, and call him all the fools in the world, and tell him there were as good fish in the sea as ever were caught, and try to get his mind off the matter; but it would do no good. He would sometimes brighten up, and then relapse into his uneasy mood of mind. He used to sit and study away about something, as though he had nothing else to do. He got a dress from my brother's house, which belonged to Miss Scott, and hung it up in his room, and he kept it a long time—think it was there while he lived with us. The boys used to laugh at him, but he wouldn't let it go. The boys told him he slept with the dress, and he said he had a right to. He did not seem to know half the time what he was about, after he returned from Maine. One Sunday he was fiddling some dancing tunes, and I went up and told him he must not do that; and he said he was doing it to drive away trouble. Never appeared after the girl scrape as he did before—remained sad and cast down." He continued in Chicopee a year after this, gentlemen. "Before the news came of the girl's marriage, he was as cheerful and lively a man as I ever met. I can say, without hesitation, that that affair with the Scott girl *changed him very much*. *He was altogether a different man.* Never recovered his spirits during his living here after this affair with the Scott girl. At times he would talk freely, and at other times he would not pretend to speak to any one, after this marriage of the Scott girl. He used, after this disappointment, to jump up suddenly when he had been brooding over his troubles, and rush back and forth

in the room, and rub his head, and sit down again, and in a few minutes jump up again and go through with the same movements. Was absent and thoughtful in his way and manner. He appeared about half out of his head."

*George Babcock* confirms Duly, and says, "The matter seemed to trouble him. I roomed with him; and that seemed to be his whole conversation. He concluded to go to Maine, and went away. He came back in a week or two. He seemed to be very melancholy. He always after, so long as I boarded with him, seemed to have the matter constantly on his mind. I thought his disappointment injured him. *He was always a changed man after it.* He did not appear after it as he did before. He seemed to brood over it. He took a dress of her's and kept it in his room; and when he went away to another place, took the dress with him. His mind seemed to be wandering away from the present; and he would sit, engaged in thought, without noticing any thing. He acted strangely and wild after his return from Maine. He used to start up frequently, and pace the room hurriedly and irregularly. He seemed oppressed and weighed down by these matters."

*James E. Hosley* says that the marriage of Miss Scott "seemed to affect him very seriously. He appeared to feel very bad when he came back. His talk was about her. At times he would cry like a child, and then he would get up and dance about and clap his hands and appear chipper. Most of the time he appeared exceedingly afflicted about it. This state continued all the time until he left. He used to sit and brood over something until we would speak to him and laugh at him, and sometimes he would rouse up and laugh, and then at other times he would burst out crying. Used to see him in the mill-yard and mill, and he appeared the same as in the house. He appeared absent-minded and seemed to me like a fellow love-cracked, or about half crazy, all the time. When we went into his room, as several of us boarders used to frequently, he always spoke of the Scott girl, and would say if she was there he could take comfort. He appeared discontented and uneasy. He would occasionally when talking, jump up suddenly, walk across the room, and press his hands on his brow, and look out of the window or somewhere, and then sit down again and talk a few moments, and then start up again and go through with the same operations."

*Olive Duly*, and other Chicopee witnesses, testify to the same effect. But I have read enough. It is clear that Clark, in consequence of this affair, became, as the witnesses say, "an altered man," and that this change in him was noticed during the whole year that he subsequently spent in Chicopee. When he came to New Haven, Mrs. Parmalee observed it. He talked to her about the Scott girl, and "the troubles he had had" in Chicopee, and "he would sit in melancholy moods," as she says. This state of feeling seems to have continued until it faded away when the new attachment arose.

We now come to the causes of his insanity. The evidence of its

existence would not be weakened, if we found no causes for it. But we find them.

First, hereditary predisposition. I need not cite authorities to show that insanity is a disease transmissible by descent, and that the children of insane parents are extremely liable to inherit the disease. But I will read one authority, bearing upon a particular branch of the subject:

"According to the investigations of the continental pathologists, the children of *eccentrics* have been frequently insane; and in my own practice, I have found both the children and grand-children of such persons very prone to brain diseases—indeed I have very lately attended the two grand-children of a very singular character, and they both died of meningitis."—*Daniell, Journal of Insanity*, vol. 3, p. 26.

That Heman Clark, the father of the prisoner, was, at least, very eccentric, can hardly be disputed. But he was insane; and the fact is shown by all the evidence in relation to him. He assumed an equality with the Supreme Being. He declared he could get along without God Almighty, as well as God Almighty could get along without him, and when Mr. Ellis remonstrated with him, "he looked me right in the eye with very great force," says Mr. Ellis, "and said 'it would be very improper for you to say so, but it is perfectly proper for me'; and added that I didn't know his power." He assumed the power of cursing, and declared that whom he cursed was cursed indeed, and warned Ellis not to provoke the curse. He also claimed that he could bring East Rock into New Haven. Mr. Ellis says that on these occasions Clark was perfectly sober, and had every appearance of being in earnest. Mr. Ellis knew him for some years, and speaks generally of his "incoherent expressions, strange expressions, extravagant expressions, accompanied by strange looks, motions and actions." Mr. Ellis never saw him under the influence of liquor; but gives it as his unequivocal opinion that he was deranged.

Mr. Spencer thinks that Heman Clark was not insane; and no wonder, for if you take his definition of insanity, all the lunatics at the Retreat should be released—you could not justify any man in holding the doors of that Institution against a pressure from within. According to him, no man becomes insane until he is "totally devoid of reason and judgment, and incapable of self-control"—in short, a man of no intellect, not a glimmer. Never mind his definition; he tells you *facts*, from which you can see that Heman Clark's mind was deranged. You remember the turnip story. Clark claimed that on a piece of Baldwin Beecher's farm, not bigger than the counter, he could raise turnips enough in one year to supply the whole town of Naugatuck, for a year, at five cents a bushel—"not the cattle," but all the people; and Spencer says that the claim was made seriously. On another occasion, Clark, being at work, told his children to go home, and when they made some delay, he drove them, with furious gestures, out of the shop, pursued them, and threw at them—they were little fellows, only seven or eight years old—stones, clubs, and anything that came to hand. He had a delusion in reference to one Bunnell. He conceived the idea that this Bunnell was the author of all the mischief that was done in

the neighborhood. This notion he persisted in. No matter what the mischief was, Bunnell was the perpetrator. Heman Clark was sincere in this belief; Mr. Spencer has no doubt about that. Yet there was not a particle of evidence to sustain it,—nothing that would tend to make any sane man believe it—and nobody but Heman Clark did believe it. Now this was a delusion—a delusion in the medical sense of that term. Spencer says, to be sure, that Heman Clark drank spirits occasionally, as everybody else did in those days; but that there were long periods, when he did not drink at all, and that on the occasions specified, he, Spencer, had no reason to suppose that Clark had been drinking. At those times he considered him sober, and “perfectly sincere.” By the way, I should add, that Heman Clark was, according to Mr. Spencer, sometimes very profane and vulgar, but at the same time, you will remember, he was particular about church matters, and apparently very devout.

*Philander B. Hine* knew Heman Clark well. He tells you the turnip story. He speaks of fits of depression, to which the man was subject; he says that Clark soberly claimed that with a steel-trap and a gun-barrel he could make a clock that would run a thousand years. He tells us other stories, gentlemen. I will not repeat them. He represents Clark as sitting out of doors one night, on a log, moon-struck, gazing at the stars, after bed-time—how late Hine does not know, for he left Clark there and went to bed. He says that Clark would frequently act so in his turns of moodiness. He also says, “I don’t mean to have it understood that these were the only strange circumstances of the kind—there were many such.” He tells us that, although Clark undoubtedly drank spirits sometimes, yet he, Hine, never saw him intoxicated, and had no reason to suspect that on these occasions Clark was under the influence of liquor, or was not in earnest in his pretensions. Mr. Hine declares his unhesitating belief that Heman Clark was, at times, insane.

In opposition to all this evidence, we have the testimony of four witnesses. It is brief, and I will give the substance of it.

*Israel Harrison* knew Heman Clark, mentions two brief interviews with him, in Naugatuck, does not state the substance of the conversations, has seen him often in New Haven, considered him intemperate, but never saw him drink, and never discovered signs of insanity in him. The witness says, that whenever he saw Clark “appear in an unusual manner, he thought he had been drinking.”

*Timothy Gorham* testifies to the same effect, adding, that he has often seen Clark intoxicated; does not claim to have ever seen him drink.

*John W. Harris* testifies substantially to the same effect; does not claim to have ever seen him drink.

*Andrew Bryan* says he knew Heman Clark in Waterbury, thirty years ago, and testifies to the same effect, but adds, that he should think Clark’s mind had been somewhat impaired by the use of liquor. That was before Willard Clark was born, gentlemen. I care not how Heman Clark’s mind became diseased—whether by the use of liquor or in any other way. If he was deranged, (and he must have been, if our witnesses tell the truth, and there is nothing in the rebutting evidence at all

inconsistent with what our witnesses say,) then he would be likely to transmit the disease, by inheritance, to his children. He did so transmit it, not only to the prisoner, but to Elmer, the prisoner's brother. It will be remembered that according to Dr. Ray, the victims of inherited insanity are subject, in nine cases out of ten, to occasional fits of depression. The prisoner has been afflicted in that way from his childhood.

Operating upon, and developing the prisoner's hereditary predisposition, we find moral causes of insanity; that is to say, causes which appear (whatever the fact may be) to affect the mind directly, and which do not seem to spring from disease of the body. Of all causes of insanity, these moral causes are the most numerous and powerful. Permit me to read, on this point, from eminent authorities, a few passages particularly applicable to this case.

*Pritchard*, p. 177, says: "Moral causes are, on the whole, far more numerous and influential than physical ones, in inducing insanity." And on p. 182, "Care and anxiety, distress, grief, and mental disturbances, are by far the most productive causes of insanity." And on p. 184, "The passion which nature has appointed for the continuation of our race (and of which the influence and effects, though universal, are so greatly modified and varied by education and external circumstances) gives rise to numerous forms and varieties of mental derangement."

*Ellis*, pp. 57, 58: "By far the most general primary cause of diseased action of the brain, and therefore of insanity, is over-exertion. When the brain has been for too long a time intensely employed upon any subject, it is thrown into such a state of excitement that its operations are no longer under the control of the will. \* \* To this over-exertion we must attribute an immense number of the cases arising from moral causes."

*Pagan*, *Med. Jur.*, pp. 47, 48: "There are many moral impressions which are well known to act as causes of insanity, when they are violent in themselves, or intensely felt, or when they lead to disappointment, and even independently of that qualification. \* \* Disappointed love, terror, pride, ambition, violent anger, jealousy, pecuniary losses, irregular aspirations, and all the many miseries which are generally included under the name of domestic misfortunes are to be considered as moral causes of insanity when they are long and deeply felt, or if the patient be highly predisposed to derangement of mind. It is proper for the medical jurist to keep in remembrance that some of the moral causes occasionally act with almost incredible rapidity. Terror and violent anger occasionally act with such rapidity as to cause instantaneous attacks of mania, and even sometimes to destroy almost completely the intellectual powers altogether. \* \* \* The moral impressions which arise from jealousy, from disappointment of whatever hopes may have been entertained, domestic calamities, grief, &c., act in a different manner, at least much more slowly. The mind broods over its own disappointments, or the calamities and griefs which have been experienced, and when this is long or keenly indulged in, the result is not unfrequently an attack of insanity."

In Esquirol's Treatise on Insanity, page 383, of Hunt's edition, are given statistics showing a great numerical preponderance of moral over physical causes of insanity.

"The moral causes are probably the most fruitful in the production of all the forms of mental alienation."—*Dean, Med. Jur.*, p. 463.

De Boismont, in Winslow's Journal, No. 22, p. 245, gives Parchappe's Statistics, verifying Esquirol's, and on page 249 says:

"Moral causes are then, according to Pinel, Esquirol, Guislain, Parchappe, Delaslaive, ourselves, and many others, the chief agents in the generation of insanity."

On page 253, after a learned and philosophical discussion, the author says,—and to his powerful language I ask the special attention of the jury :

"Ultimate analysis brings us therefore to *moral suffering*, as the starting point of insanity in the majority of instances. In the battle of life all must suffer, but especially those naturally endowed with a nervous, passionate, and susceptible organization. When suffering has arrived at its extreme intensity, when it admits neither of suspension nor alleviation, and the faculty of resistance is extinct, human consolation is a vain pretense, for the mind cannot receive it, and *despair offers but two issues—suicide or madness.*"

"Moral suffering?" This man's life has been one great grief, one scene of disappointment and calamity, from the death of his mother to this moment. In the Spanish Inquisition there was an instrument of torture called the Water Drop. The victim was placed beneath it, and water was suffered to fall, drop by drop, upon his head. At first the sensation was pleasant; it became disagreeable; it became painful; it became torture; it became agony; it drove to madness and to death. How then when fire falls, drop by drop, upon a human soul bared to the infliction? For four months fire was falling upon his brain, drop by drop, until it drove him to madness—and now they seek to bring upon him death. Can the human mind endure, unshaken, what he has suffered? Is it to be wondered at that he was made mad?

"Strange that a harp of thousand strings,  
Should keep in tune so long."

"Such kind of mental distress as this man had," says Dr. Earle, "is an efficient and sufficient cause of insanity."

Of moral causes, disappointed affection is one of the most frequent in producing insanity. The observation of every man will satisfy him of this fact. In the Tenth Annual Report of the State Lunatic Asylum at Worcester, p. 40, it appears that in 1842 there were in that Asylum sixty cases of insanity, arising from this cause. It is unnecessary for us to refer to other statistics; they tell the same story. Esquirol, p. 383.

The rule of law, if your Honors please, in relation to cases of this sort, has been continually fluctuating. I have already given Coke's definition of murder. In 1723, in Arnold's case, 8 Hargrave's State Trials, 322, it was held, that in order to be excused, on the ground of insanity, for committing homicide, a man must be proved "totally deprived of his understanding and memory," so that he "doth not know what he is doing, no more than an infant, than a brute, or a wild beast." This rule has been abandoned. In Hadfield's case, tried in 1800, 27 Howell's State Trials, p. 1281, the test of insane delusion connected with and producing the act, was adopted. Now although we claim that the rule of exemption in that case does not go far enough, and that there are many cases of homicide excusable by reason of the insanity of the perpetrator, where his insanity does not manifest itself in the form

of delusion, yet the rule is unquestionably good, as far as it goes, and under it we claim an acquittal. This prisoner's mind, at the time of the homicide, was filled with insane delusions in reference to the girl, to her supposed affection for himself, her hatred of Wight, Wight's seduction of her, his hatred of her, and his determination to drag her from home and ruin her; and those delusions were connected with, and produced the homicide. This appears, without reference to the testimony of the physicians; but they tell us distinctly that, in their opinion, those delusions did exist, and did produce the homicide, and that if those delusions had not existed, the homicide would not have been committed. We claim that under the rule in Hadfield's case the prisoner must be acquitted; and this claim we make, if your Honors please, without reference to the question whether the prisoner did or did not consider it wrong for him to do the act. If there was in his mind an insane delusion, and that delusion was connected with the act and prompted it, so that, but for the insane delusion, the act would not have been done, then he is excusable, and we care nothing about his opinions as to right and wrong.

In Bellingham's case, 1 Russ., on Cr., p. 11, and in other cases, the test of inability to distinguish between right and wrong has been laid down as the rule of exemption. I was intending to read the unanswerable commentary of Ray upon this rule, (*Med. Jur. Ins.*, pp. 24, 25, 26,) but I have spent so much time already, that I will forbear; especially as I apprehend that recent decisions have so modified this rule, that its application, in its full extent, to the present case, will hardly be asked for.

The rule laid down in the Rogers case, cited by Greenleaf, v. 2, Sec. 372, is that even though a man be able to distinguish between right and wrong in the abstract, yet if, through derangement of mind, he is unable to discriminate between right and wrong in relation to the particular act which he commits; if, in consequence of his mental disease, he, when committing the act, believes that he is doing right, then he is not criminally responsible for it. Even this rule does not go far enough. But it is sufficient for all the necessities of this case. Dr. Butler and Dr. Earle say that Clark believed it right for him to do the particular act for which he is arraigned. They do not say, nor is it necessary for us to claim, that he was unable to distinguish, in many cases, between right and wrong—cases not calculated to bring his delusion into activity; but they do say, and in so saying they are abundantly confirmed by the other evidence, that he believed it to be his duty and his "mission" to "save the girl from destruction at all hazards," and, as the only means of doing it, to kill Wight. This case, then, is brought within the rule laid down in the Rogers case. But, as I have said, that rule is not always a safe one. Were it always maintained, cases of gross injustice would occur under it. Frequently the insane person is forced by an irresistible impulse to do that which he knows to be wrong.\* Take for instance

\* Ray, 44, 204 to 206, 263. Taylor, *Med. Jur.*, 577, 578, 580. Pagan, 132, 23. Dean, *Med. Jur.*, 458, 481, 514, 515, 575, 576, 577.

the case—and such cases are numerous—of the mother who feels an insane impulse to destroy her child; she asks to be restrained; she is restrained; the impulse comes upon her afterwards with irresistible force; she seizes the child and kills it, feeling, all the time, that the act is wrong. Take the case of Hadfield, who believed himself to be the Saviour of mankind, and thought it necessary that he should be offered up as a sacrifice for the sins of the world. He considered it improper for him to kill himself, and therefore he determined to do an act which he knew to be wrong and unlawful, in order that he might, as a punishment for it, be killed by others. So he shot at the king. He knew the difference between right and wrong in relation to that particular act, and did the act because he desired to be punished for it. He could not resist the impulse, and he was not responsible for it. Then there is the case of Tillard, who had an insane desire to be where there were windmills. There were none in the place where he was; and so he cut the calves of a child's legs to the bone, in order that he might be removed, for trial, to a place where there were windmills. He knew that the act was wrong and unlawful, and he expected to be tried and punished for it; but he could not resist the impulse to commit it. There are many such cases.

If your Honors please, I think that in England the rule has been varied a little of late. In 1840, in the case of *Reg. vs. Oxford*, 9 Carr. and P., p. 525, Lord Denman says, "The very important question comes, whether the prisoner was of *unsound mind* at the time when the act was done. \* \* \* If some controlling disease was, in truth, the acting power within him, which he could not resist, then he will not be responsible."

In this country further advances have been made. In Kleim's case, 2 *Jour. Ins.*, pp. 264 and 265, approved by Dean, p. 549, the Court say:

"At one time it was held by courts to be only such an overthrow of the intellect that the afflicted person must 'know no more than the brutes,' to be exempt from responsibility. At another time he must be 'unable to count twenty.' As science and the knowledge of the disease progressed, it was found that very many were excluded by this very contracted rule, from the protection to which they were justly entitled, and the rule has been extended in modern times, until it begins to comprehend within its saving influences most of those, who, by the visitation of disease, are deprived of the power of self-government. *Yet the law, in its slow and cautious progress, still lags far behind the advance of true knowledge.* \* \* \* If some controlling disease was, in truth, the acting power within him, which he could not resist, or if he had not a sufficient use of his reason to control the passions which prompted the act complained of, he is not responsible, but we must be sure not to be misled by a mere impulse of passion, an idle, frantic humor, or unaccountable mode of action, but inquire whether it is an absolute dispossession of the *free and natural agency* of the human mind."

This doctrine is affirmed by Judge Whiting, in Freeman's case. *Dean, Med. Jur.*, p. 552.

I will now turn to some cases, stated by Ray, in *Med. Jur. Ins.*, p. 54. I am sorry that the authorities cited by him are not within our reach. He says:

"In the case of Theodore Wilson, tried in York County, Maine, in 1826, for the murder of his wife in a paroxysm of insanity, the court charged the jury that if they were satisfied the prisoner was not of *sound memory and discretion* at the time of committing the act, they were bound to return a verdict of acquittal. \* \* This decision indicates an advance in the criminal jurisprudence of insanity, that does credit to the humanity and intelligence of that court. In the trial of Cory, for murdering Mrs. Nash, in New Hampshire, 1829, the court, Chief Justice Richardson, stated in his charge to the jury, that *the only question for them to settle was, whether he was of sane mind when the deed was done.* The same language was used by the same court on the trial of Prescott, for the murder of Mrs. Cochran, in 1834."

This brings us back to the rule from which we started,—the true rule,—the rule given us by Sir Edward Coke, the great master of English law—the rule quoted by Blackstone, and found in Swift's Digest—the rule that "murder is where a man of *sound memory and discretion unlawfully killeth,*" &c. And the sooner we come back to that simple proposition, the sooner we shall get out of the hideous business of hanging crazy men—a thing that has been done once, at least, in this State of Connecticut, and often elsewhere. Laws are not made for the punishment of insane men. Laws ought to be made for their confinement; and we have a law, on our statute book, under which Clark can be confined. The rule given by Coke is a rule of Christianity, as well as a rule of law. It is the ancient rule; it is one which, in modern times, has been acted upon; and it is sustained by the Maine and New Hampshire cases. Before you convict a man of murder, then, you must find, beyond a reasonable doubt, that he was, when he committed the homicide, a man of sound mind. The burden of proof is on the State, to bring the act fully within the definition of the crime. In the Rogers case, if the court please,—

Judge ELLSWORTH.—Mr. Harrison, do you claim any rule different from the one laid down in the Rogers case?

Mr. HARRISON.—I claim, if the Court please, that while the rule set forth in that case is, to be sure, a great advance upon the old English decisions, it is not the true rule. I claim the rule given by Coke in his definition of murder:—that in order to be capable of committing that crime, a man must be "of *sound memory and discretion.*"

Judge ELLSWORTH.—What do you understand by those words?

Mr. HARRISON.—I understand the words in their ordinary acceptance. I do not pretend to qualify or limit them. They are words of the English language, which we all understand.

But whatever rule may be adopted,—and the decisions have been, ever since Coke's time, continually shifting—we are at least entitled to the benefit of the rule laid down in Hadfield's case, that if the homicide was prompted by insane delusions, and would not have been committed, but for those delusions, the prisoner must be acquitted. And if the test of power to distinguish between right and wrong is to be applied to this case, then we say, that it must be limited, as in the Rogers case, to a power of distinguishing between right and wrong, in reference to the particular act in question; so that if, through unsoundness of mind, the prisoner believed it right for him, under the circumstances, to kill

Wight, then, whatever may have been his notions in the abstract about homicide, he must be acquitted. If, in short, because of disease existing in his mind, he believed it to be his duty and his "mission" to save the girl from ruin, and to kill Wight for that purpose, then he is excusable. And if the COURT should deem it its duty to charge the jury that we are bound affirmatively to prove the insanity of the prisoner, in order to his acquittal—which we deny, if the COURT please—then we claim that the COURT shall adopt the rule laid down by Judge Shaw in the Rogers case on that subject.

I read from the full report, p. 281 :

"The ordinary presumption is, that a man is of sound mind until the contrary appears; and, in order to shield one from criminal responsibility, that presumption must be rebutted by proof of the contrary, satisfactory to the jury. Such proof may arise, either out of the evidence offered by the prosecutor to establish the case against the accused, or by distinct evidence, offered on his part. In either case, it must be sufficient to establish the fact of insanity, otherwise the presumption will stand."

The jury subsequently asked further instruction upon this question,  
"Must the jury be satisfied beyond a doubt, of the insanity of the prisoner, to entitle him to an acquittal?"

Whereupon,

"The Chief Justice repeated his foregoing remarks, upon the same head; and added, that if the preponderance of the evidence were in favor of his insanity—if its bearing and leaning, as a whole, inclined that way—they would be authorized to find him insane."

These instructions, however, should be qualified to the extent that Lord Kenyon goes in Hadfield's case, where he says :

"His insanity must be made out to the satisfaction of a moral man, meeting the case with fortitude of mind, knowing he has an arduous duty to discharge; yet if the scales hang any thing like even, throwing in a certain proportion of mercy to the party."

We go further than all this, however, and insist that the State must prove the prisoner's sanity, beyond a reasonable doubt, before a conviction can be had.

This, gentlemen, if it be murder at all, is unquestionably murder in the first degree. The Jury may, however, take such a view of the facts, as will make proper the application of a principle which I will briefly explain. For authority, I refer, without reading, to Russell on Crimes, v. 1, pp. 8, 9, 10, 481, 482, and notes. The distinction between manslaughter and murder, if we understand it, may be narrowed down to this—that manslaughter is the same as murder, except that in manslaughter the ingredient of malice is wanting. If, then, there be a case which, but for the absence of malice in the mind of the person killing toward the person killed, would be murder, that is a case of manslaughter. Of course, a sane man cannot, deliberately and with no provocation, kill another, without malice towards him. An insane man can. He can do it, deliberately, knowing it to be wrong, and yet without

malice. The insane mind is as relentless as a steam engine. It knows no relation between end and means, but impels to the destruction of every obstacle that lies in its way. Take for example a case of this sort, an actual occurrence. A certain individual thought that a neighbor of his, a judge, was in the habit of throwing gas at him from a distance, for the purpose of annoying him; and this insane person was prepared to kill the judge, not from ill will, but as the readiest way of removing the annoyance. I may entertain a notion that I can raise a man from the dead. I may wish to demonstrate it. I kill a man. I know I ought not to do it, and I may admit at the time that it is wrong for me to do it—but, after all, I expect to restore the man immediately to life, and I entertain no unkind feeling towards him—no malice. I say then that an insane man can do, what a sane man could not do. An insane man can premeditatedly kill another, knowing the act to be, to some extent, wrong, without malice. Now if such be the case here; if the prisoner knew the act to be wrong, yet, by reason of unsound mind, did the act without malice towards Wight, then the jury have the power and the right to bring in a verdict of manslaughter. It would be their duty to do so. Such, gentlemen, I freely admit, is not my view of the case. My view is that the prisoner believed the act to be right; that he could not resist the impulse to do it; that therefore he is not responsible for it; and that it is your duty to acquit him. If, however, you should regard the matter in a different light, then the principle which I have stated will apply.

A little more, and I have done. We have laid before you this man's whole life. We have taken him from his cradle and have followed him through his whole career. Who, then, is this prisoner, and what has been his history? A native of Connecticut. A child of sensitive organization; a kind brother; an affectionate son; a good boy, who loved his mother, as his tears have attested before you whenever her name has been mentioned. A boy of uncommon intelligence; a boy of unusual tenderness and gentleness. Sensitive to wrong, but not resentful, every injury preyed upon his mind, but, exciting no animosity, it only depressed him. His mother died. He then became subject to occasional fits of depression—having a hereditary tendency to mental disease,—a predisposition derived from his father,—which began to appear thus early in his childhood, and developed itself in later years. As he grows older, faithful to his employers, honest, upright, amiable, honorable, all speak well of him; everybody loves him. He goes to Chicopee and becomes strongly attached to a young girl. A cruel trick is played upon him, and she marries another. From that hour Willard Clark is a changed man. Formerly, for most of the time, cheerful, he now becomes despondent; and during the year that he spends in Chicopee he never recovers the elasticity of his feelings. He comes to New Haven. Mrs. Parmalee notices in him an unsteadiness of mind, which she had not expected to see. She misses that solidity of intellect which she knew that he possessed before he went to Chicopee. His disappointment has shaken and shattered him. He broods over his misfortune. In 1850

he has a sudden attack of mania; and manifests a fearful consciousness that he is about to kill his brother. The immediate cause of this ebullition we do not know: but we have some evidence as to the extent of its duration. It appears to have lasted for several days. In 1852, a new attachment, to a mere child, revives the feeling which had led, in Chicopee and in Maine, to his first striking manifestations of mental disease. He presses his suit. There is something about him which makes the girl recoil from him. From the beginning of May, 1853, it becomes apparent to everybody but him that she has no affection for him, and that to her he is an object of dislike. He continues his attentions. At what period the intense excitement of his brain and heart ran into, or assumed the form of, an insane delusion, we know not. But at some point of time long before the homicide, it became and continued to be a marked and visible delusion,—visible, although those who did not know, as you do, all the important facts in his history, and could not view his conduct, as you can, in the light thrown upon it by those facts, did not discover that he was insane. He could stand behind his counter, and sell tea and sugar, and his derangement was long unsuspected. In January, 1854, his engagement to the girl is broken off. His anxiety increases; and through the whole year 1854, and a part of the year 1855, he is kept in a state of constant alternation between hope and fear. Yet is he continually sustained by the delusion which, possessing his mind, grows stronger with the progress of time. Gentlemen, you cannot take it from him; I cannot take it from him; no man can take it from him. It is his consolation. Yes, through the clouds and the darkness that hang over him, this fond delusion, like a solitary star, still pours, and will continue to pour, upon his lonely heart, its unquenched and unquenchable light. Aye, it will make luminous, if need be, the form of the very King of Terrors.

Under the influence of this delusion his mind at length shows evidences of disorder, which attract the attention of strangers and excite the apprehension of friends. The girl marries; his excitement rapidly increases; the indications of his insanity become more various and frequent, until, on the 28th day of April, occurs its fearful and fatal explosion.

In the meantime, gentlemen, it may be true that his opinions on the subject of religion had become deranged and wild. Never until his intellect had been smitten by disease. No, never until then did his faith waver; never until then did he doubt the truth taught him by his mother as he prayed at her knee—never—never. But when disease took hold of his brain; when his mind began to crack and break under the pressure that weighed it down, then, and not before, did strange thoughts enter his imagination, and strange expressions come from his lips. Monomania always shatters the intellect; breaking through it like a stone through the ice, and cracking it outward from the centre in every direction.

He is now here—on trial for murder. We have made a defense that no ingenuity can evade: no eloquence, no confidence overthrow. It is

a bold defense, gentlemen,—a bold one. We have not hesitated to expose here the very secrets of this man's soul. We had before exposed them to men whose testimony would have been ruin to this prisoner, if they had not discovered in his mind the indications which we were confident that they would find. Those gentlemen have come here—gentlemen whose business it is to study and understand the manifestations of the human mind—gentlemen eminent in their profession. They are men whose experience enables them, at a glance, to see, upon a statement of symptoms, whether a man is sane or not. Two of them heard all, and the other nearly all, of the evidence in this case. Upon that evidence, and upon the examinations of the prisoner made by two of them, these three men, under the solemnity of their oaths, tell you that the prisoner, when he committed the homicide, was insane; that he committed it under the influence of, and only in consequence of, "a gross and very well defined delusion" of the intellect; that in committing it he believed he was doing right; and that he could not resist the impulse to do it. Not one medical witness, not one person acquainted with the subject of insanity, has pretended to controvert this evidence. And yet the Attorney will have the courage to ask of you a conviction: and he will do all that he can—as he has persuaded himself that it will be right for him to do—to induce you to send this prisoner to the gallows.

I say, that, in a case like this, the Court might well take the prisoner out of the hands of the Jury, and not suffer him to run the risk, if there were any risk, of a conviction for manslaughter. It is a case which would justify the Court in directing the Jury to acquit. I will read, if the Court please, from the opinion of Judge Edmonds in Kleim's case, already cited. *Jour. Ins.*, v. 2, p. 263.

"So too it was important that the jury should be made precisely to understand how much weight was to be given to the opinions of medical witnesses. The discoveries in the nature of the disease, and the improvements in the mode of its treatment, had been so great in modern times, that it had become almost a distinct department of medical science, to which some practitioners devoted themselves almost exclusively. The opinions of such persons, especially when to their knowledge they added the experience of personal care of the insane, could never be safely disregarded by courts and juries."

In that case of Kleim, Dr. Earle, if I mistake not, was a witness, and testified to the prisoner's insanity. There was, however, some conflict in the medical testimony; some physicians testifying that the prisoner was sane. Nevertheless the man was acquitted and afterwards became idiotic.

I now read this, my last authority, from the charge of Judge Shanksland, in the case of Thurston, who was tried in 1853, in the State of New York, for murder. I read from a newspaper; but the charge was written out by the judge, and was properly printed; and this has been kindly sent me as an authentic and reliable copy of it, by Hon. Daniel S. Dickinson, who was one of the counsel in the case:

"Having proven these things, and others of a like character, they introduce several medical witnesses, who have had opportunities to examine the prisoner and to hear the evidence in the cause":—

(Dr. Butler and Dr. Earle were among them)—

"These gentlemen, speaking from the information thus gained in relation to the prisoner, and his habits, parentage and diseases, give as their opinion that the prisoner was insane at the time he committed the act for which he is now on trial; and that he is now insane. The numbers, character for learning, and the positions they occupy in the departments peculiar to diseases of the mind, entitle their opinions to high respect and weight in the cause; and were there no opposing medical opinions at variance with those called by the prisoner, I should deem it my duty to advise you to acquit him. For on a subject surrounded with so much mystery as that of insanity, and upon which the experience of jurors is so limited, I should consider it rashness in the jury to convict, because they might happen to differ from the evidence thus given by the medical witnesses."

This needs no comment.

Gentlemen, you will bear me witness that I have introduced before you no irrelevant topic. I have not sought to excite your sympathies; but have endeavored to aid in the enlightenment of your reason upon the facts presented. You will be addressed by a gentleman of eloquence and ability, who formed a fixed opinion upon this case, before he had heard any portion of the evidence which the prisoner's friends have been enabled here to produce. That opinion he will reaffirm. I will not question his sincerity. Can you, can any man, look me in the eye, and doubt mine?

I appeal to the court for justice—not for mercy. I appeal to the jury for justice—not for mercy. To God, All-wise, All-just, All-merciful, I appeal, that He may lift His heavy hand from this poor child of His, so long, and so bitterly afflicted; and give him, at your hands, a safe deliverance.

The ATTORNEY followed in his argument, and said:

*May it please the Court, and you, Gentlemen of the Jury:*

The importance of this case, gentlemen, cannot be over-stated. All that the counsel who have addressed you, have said on that subject, is true. Its importance cannot be over-estimated, considered either with reference to the prisoner at the bar, or the public. If a man, who has committed a crime like that for which the prisoner stands arraigned, be permitted to escape, we may all tremble. In such event, there is no place where we can be safe.

Murder, no longer seeking darkness and moving in stealth, will openly enter the very house that covers us and our children, and there seek and slay its victim. And if in a case like this, a defense is to succeed which is unfounded in truth, why, gentlemen, that fact will prove an incentive to the commission of atrocious crime, and occasion a fearful increase of it. Before I come to the consideration of the evidence which has been laid before you, I desire, gentlemen, to say a word in

regard to the position of the prosecution. The counsel for the defense has cautioned you against any influence which the Attorney for the State may have, and in the heat of his feeling, has charged the State with seeking the blood of his client.

No, God forbid ! I surely need not disclaim vindictiveness toward the prisoner, either for myself or the Government. I seek not his blood. I desire only that truth and justice may be vindicated in this case ; and I ask not that you convict the accused, unless you are satisfied, beyond a *reasonable doubt*, that he is guilty. And when the gentleman says, "give us fair play, only give us fair play," although I do not like the expression—do not think it fit to this place or occasion, (for I trust we are not struggling for professional victory,)—I assent to his demand. I have in this trial kept nothing from you which should go before you. I have treated the accused with entire fairness. You know this—the Honorable Judges know it, and those who have watched the progress of this case, know it. Yes, gentlemen, further, when the prison doors first closed upon this man, I directed the jailer to keep away from him the inquisitive and excited crowd, and not permit him to be annoyed by the idle and impertinent. I have never seen him before this trial, nor spoken with him, until yesterday, after the evidence was closed, and much of the testimony derived from conversations with the prisoner, was heard by me for the first time, as it came from the witnesses on the stand.

I am not here to urge upon you a conviction in opposition to the truth. If I thought my duty required me so to do, I would resign the office I hold at once. I admit that if I cannot satisfy you beyond a reasonable doubt of the guilt of this prisoner, you must acquit him. But, gentlemen, I think this case can be so presented to you in behalf of the State, that there will be no reasonable doubt of his guilt ; and notwithstanding the unwearied industry and ability already used and to be used in his defense, I still think so. If I cannot do this, you must let him go free.

What, then, gentlemen, what are the facts in the case ? On the 12th day of March last, Richard W. Wight, a young man of unimpeachable character—most amiable and lovely in his disposition—the hope of an aged father, who is here watching with anxiety the progress of this case—the pride of a fond and devoted sister, who shares with her venerated parent, his interest in these proceedings, was married to Henrietta M. Bogart, to whom he had long been betrothed and devotedly attached. On the 28th of April this young man was shot, cruelly, ruthlessly shot down in his own parlor, in the presence of his young bride. He lay moaning in his agony, until the 1st day of May, when, at about the hour of eight in the morning, he died. This was done without offense on his part. He never had offended a human being. We are at no loss to know who did this cruel deed. It was Willard Clark, the prisoner at the bar. This is not denied, and if there was nothing more in the case, your duty would be perfectly plain. You must convict the accused. But, gentlemen, he appears before you and

says that he is not guilty. And his counsel say, in his behalf, that he was INSANE when this deed was done, and therefore cannot be held responsible for it. The enquiry then is, did he at the time he shot Richard W. Wight, know the nature and consequences of that act—was he aware that he was committing a crime? If he did know that it was wrong—if he did know that he was committing a crime, then, gentlemen, he is guilty, and it is your duty so to say, by your verdict. Now, gentlemen, I have no disposition to complain of the counsel for the defense. They have done as they thought best for the interests of the accused; and this was their undoubted right. But in commenting upon the evidence for the defense, I shall speak freely, and I trust fairly.

What, then, is the evidence adduced here by the prisoner, to sustain the plea of insanity. It is that which comes from depositions—oral testimony which we have from neighbors, friends and *relatives*—and the testimony of physicians, who come here as EXPERTS. I propose to consider these in the order in which I have stated them. Before doing so, however, I will say that not the least surprising feature in this case is the fact that we have seen counsel through several days, cross-examining witnesses, with unexampled severity and minuteness, in regard to conversations entirely confidential in their nature, and a knowledge of which could have been imparted only by a party to them, and he the man they now call insane. You will bear me witness that the cross-examination of Mrs. Bogart, which extended through a period of five hours, was made up almost entirely of enquiries relative to interviews of a confidential character between her and the prisoner, the knowledge of which must have been imparted alone by him. I confess this looks to me—this accuracy of memory and minuteness of detail in regard to matters affecting the issue before you—very little like insanity.

But let us come to the direct evidence presented. And here I say that it all comes in under circumstances which throw about it more or less distrust and suspicion. First, we have depositions—depositions *ex parte*—depositions taken without the knowledge or presence of counsel for the State, and in such manner that if known to be false they could never have been disproved. Evidence by way of deposition is always, from the nature of things, imperfect and unsatisfactory. The Jury called to weigh the testimony, cannot see the witness and note his demeanor, his sincerity and honesty, or their opposites, but they must take it as it appears on the record, and there the subtle knave or imbecile fool appears side by side with the upright and intelligent man. Especially is this the case where *cross-examination* is denied.

COURT adjourned.

*Tuesday Afternoon, September 25th.*

COURT opened at 2 o'clock.

The ATTORNEY resumed his argument, as follows:

Of the value of cross-examination I shall not trouble myself to read to you from the books. Mr. Chapman, senior counsel for the defense, stated

to you, in the discussion of a preliminary question in this case, that no language could overstate it; that as it was the last, so it was the *surest way of getting truth*; and so, gentlemen, it is; and so well was this known to those who framed our Bill of Rights, and the Constitution under which we live, that they declared in that Bill of Rights, and in that Constitution, that "in all criminal cases the accused shall be **CONFRONTED** with the witnesses against him." In accordance with this fundamental and organic principle of our government, our legislature have declared that no deposition shall be taken in a civil cause, however insignificant the amount involved, without notice to the opposite party that he may be present, if he will. And yet, gentlemen, we have on our Statute Books a Law whereby, in cases involving the life of man on the one hand, and the safety of community on the other, depositions may be taken *ex parte*, in the silence and secrecy of a Commissioner's chambers, and they shall be received as evidence. How this law originated I know not. That it has no parallel in the legislation of any State in Christendom, I will venture to assert.

I am desirous to be understood here, gentlemen, beyond all question, and I therefore state that under the law by which these depositions are placed before you, though every deponent had told me that his deposition was false, and the character of each had been such that midnight darkness were light and glory to it, I could make no proof of the fact, unless the witness would come here and so state *before you*, because the accused has a right, by our fundamental law, to be confronted with the witnesses. The State cannot go beyond its borders for evidence, and although I might shake hands across the State line with a witness, I cannot obtain his testimony, unless he will voluntarily come and testify. Again, how easy is it for the vicious and unprincipled to procure depositions? It is not less true than deplorable, that from the time Judas betrayed our Saviour to the present, there are those who will sell their souls for a bribe. If this were all, it would be bad enough, but unfortunately, gentlemen, like Judas, they will try to sell the souls of others. I do not say that such is the case with those whose depositions have been read. I am now only speaking of the general character of **EX PARTE** testimony. Nor do I say that my learned brethren on the other side, would be privy to the introduction of false testimony before you. No, gentlemen, neither you nor they will suspect me of such a charge; but I do say, that as our law now stands, evidence not worth a rush, by reason of its depraved character, might be laid before you by them, without any knowledge of the fact on their part. But we have heard and will hear more of it hereafter, that the Attorney for the State had an opportunity to file interrogatories, and that if he has failed of his duty, the accused ought not to suffer. It is true, gentlemen, that no *laches* of mine should be visited upon the prisoner, but you have the interrogatories put to the witnesses before you, and tell me if they afford any room for an *intelligent* examination on my part. Blind man's buff may please children, but should never be brought into so august a court, on an occasion so solemn.

There is no lawyer in Christendom who would have filed interrogatories in a case like that before you, and no one knows this better than my brethren on the other side. *They* knew, gentlemen, what they were about. *They* had explored the ground. All that favored their case, they could receive, all that might affect it unfavorably, they could reject. Now, gentlemen, that I had (under our Statute) a right to be present at the taking of these depositions, I do not believe—I am satisfied with the ruling of the Court on that question. But that depositions taken under such circumstances, where no one could appear, are entitled to much belief, I do not admit. After all, what do they amount to? Do they prove insanity? No one has the hardihood to claim this. Not even the medical gentlemen, who have testified for the defense, make this assertion. They only say that taken in connection with all the other circumstances, they favor the belief that the prisoner is and was insane, but taken by themselves they evince only the existence of a morbid and sensitive organization, easily moved by any strong excitement. Taken any way you and I can regard them, gentlemen, they amount simply to the fact, that seven years ago the prisoner was lovesick, and if every man who has been so before reaching twenty-one is insane, then we must declare the entire State a Lunatic Asylum. I mean not to raise a smile, gentlemen—no, the occasion is too serious—but I do mean to say, that the circumstances detailed with such particularity by the witnesses, as occurring in 1848, were nothing more than frequently happen; and that they were not deemed evidence of insanity by the deponents, is evident from their conduct. Who of them THEN said he was insane? Who took the necessary measures to secure him. Who from that time to the present ever heard of these circumstances, which you are now called to regard as extraordinary, until after this prisoner was indicted by a Grand Jury, for the crime for which he is now on trial?

There is much in the depositions not legally admissible. In pursuance of my policy in this case, I have permitted it all to come in; but if I mistake not, you will find that ALL the witnesses did not note the peculiarities of the prisoner, although in a condition so to do. I refer you to the deposition of Hobert Beach, who although he boarded with Clark for three months, seven years ago, (the *very* time he was affected as stated by other witnesses,) and was well acquainted with him, never saw, knew or heard of his being seriously affected "in any way by any circumstances." And who noted insanity here after his return from Chicopee? Did any one? No! not one. Mrs. Parmalee did not think him as *solid* as she expected to find him, but she did not call him insane or think him so. No one witness for the defense pretends that he was other than remarkably kind, intelligent and attentive, until some few months before the death of Wight. I say then with this very imperfect notice of the Chicopee and Orono depositions, that they are to be regarded with very great allowance, and that giving them all the weight asked for by the prisoner's counsel, they make no case of insanity, or anything approaching to it.

We come now to the oral testimony from the neighbors, friends, and relatives of the accused.

And first we have that of Mr. Canfield. He tells us that in 1850 Clark came to his store, and requested him to secure a debt he held against him, because "his brother had got to leave him, and he might, if there was any difficulty, kill him. Said he knew the consequences of such an act, and that it was wrong, but could not help it." Well, Mr. Canfield took measures to secure his debt. He issued a writ of attachment for that purpose, and within a week Clark came and paid the debt. Clark went on with his business as usual, from that time, and at a later period, commenced trading again with Mr. Canfield. Now in all this, there seems to me no evidence of insanity. Mr. Canfield evidently did not so think at the time. He took no measures to have a conservator appointed over Clark; he made no communication to Clark's friends of the occurrence; but he did what one sane man would do to another under like circumstances—he sued him. He thought that a man of a temper so uncontrollable as Clark said his was, a temper so bad that he should kill his brother, *if they had any difficulty*, although he knew the consequences of the act, was not a man to be trusted.

Again, this movement may have been designed by Clark to get rid of his brother, and for aught that appears, it succeeded. It is certainly unusual for *insane* men to tell in advance what they *may* do in case of certain events, as Clark did here. If there be madness here, it is madness with a method indeed.

I pass for the present, the testimony of Mrs. Dewey, and come to that of William Hull. Clark was at his store at an *usual* hour in the morning—made his *usual* purchase—did his business in all respects as he had been accustomed to, and was in the store about three minutes. Mr. Hull says he noticed something strange about him, but what that was, he does not very clearly state, and he never said anything about it, until after this homicide.

We have then Mrs. Mary Collins—I will consider her statements in connection with those of Mrs. Dewey. F. P. Gorham is then placed on the stand. He claims to have noticed a singularity of demeanor last spring—a peculiar expression of eye—an apparent abstraction and inattention to business. He thinks it was not so far back as January, when he first saw these peculiarities.

He is followed by A. C. Chamberlain. You will recollect his testimony, and I will not recapitulate it.

*John F. Chatterton's* evidence is deserving of special attention, only because of an attempt to convey the idea that Clark gave an unmeaning reply, in answer to a question concerning the store, when he pointed and said, over to West Bridge. Now Mr. Parmalee, the owner of that store, lives over in the direction of West Bridge, and Chatterton says in cross-examination, that he thought that Clark meant that the person who owned the building, lived over there. He further says, that he

has known Clark intimately for the last three years, and that he has stated all that he has ever seen in his conduct, which was peculiar.

We have then Mrs. Ann Hull, Mrs. Lydia Sellidge, Philo Terrill, Mariner Beecher, Mary Woodward, Harriett Barber, Sally B. Carr, Sarah Potter, and others, successively called by the defense. I will not recapitulate their evidence in detail. You have recently heard it all, and I doubt not have it in mind. It is like that given by the other witnesses, and will be found to consist of real or fancied peculiarities of manner—inattention to business to some extent—occasional abstraction, &c., all occurring within a short period previous to this homicide.

*Mrs. Dewey*, the sister of the prisoner, speaks at greater length in regard to his habits of life. She mentions crying and other indications of dejection of spirits, and in this is confirmed, to some extent, by *Mrs. Friend Collins*. Now, gentlemen, we are not here contending that Clark may not have been the subject of disappointed love, and strong passion. He unquestionably was. And out of this passion, in connection with other matters, came this homicide. But we say, that however keen his disappointment, he never lost his reason by it, or his accountability as a moral being. It is a little surprising that in this connection, we have not the testimony of *Mr. Collins*. He had seen Clark for years every day, and probably to a greater extent than *Mrs. Collins*, and yet he is not placed on the stand, although called in the subpoena by the defense. Why this is, I cannot say. You must make the inference. In this connection too, gentlemen, I call your attention to the fact, that *Walter Barnett*, who is named by *Mrs. Bogart* in her evidence, and by *Mrs. Parmalee* and *Dr. Butler*, and perhaps others, and who seems to have been Clark's most intimate friend, and to have been in a position to know all about him, is not called to the stand. I desired to have his testimony, and when *Mr. Harrison* called his name, in connection with the other witnesses, for the defense, I supposed we should have it. When, however, they rested their case, without producing him, I instantly issued a subpoena for his appearance, but he had left town. You may perhaps understand the reason of this—I do not.

I have now directed your attention, gentlemen, to all of the testimony offered by the defense, from the neighbors, relatives and friends of the accused, to prove his insanity. I have done it very imperfectly, I grant; but it is fresh in your recollection, and your discrimination and judgment make it unnecessary for me to be more minute. And now, I have to say, in reference to the entire body of it, that it fails entirely to make out a case. Why, the very witnesses from whom it came, never supposed him to be insane; no one ever communicated to the other any suspicion to that effect. And it was only after the death of *Wight*, that insanity was claimed. And in all that has been stated, is there anything which may not be adequately accounted for by other causes, than insanity? Inattention to business—late hours in the morning—a glassy eye—a silly laugh—an occasional fit of abstraction—does any one, or all of them combined, necessarily prove a man insane?

Can they not all be accounted for upon other grounds? Yes, a change of habits—an habitual use of ardent spirits, or other stimulants, the *brooding* of a revengeful temper, over real or imaginary wrongs, will furnish an explanation of all which appears singular in the prisoner's conduct. These singularities may be accounted for also upon the supposition that the prisoner had determined to take the life of Wight, and was revolving in his mind the best way to do it. Who so certain to have a wildness and abstraction of manner, a sleeplessness at night, and a restless uneasiness everywhere, as he who plans so foul a deed? But give this evidence all the weight to which it is entitled, does it convince you that the prisoner was insane? No, gentlemen, suppose that on the 28th day of April, Clark had been attacked with cholera, and calling his sister, Mrs. Dewey, to his bedside, had told her that he wished to make a will, giving all his property to her, and had later in the day made such a will, and died, could that will have been set aside upon the ground of insanity? Suppose his brother, upon application to the Court of Probate to that effect, had summoned the very witnesses who have here testified, do you believe that ONE of them would have sworn that Willard was insane, prior to his decease? Or if they had stated precisely what they have on this trial, would the Court or Jury on that evidence have set aside the will, on the ground that the testator was insane at the time of its execution? No, gentlemen, you don't believe they would; neither do I.

Why, even the medical gentlemen who have testified as experts on this occasion, do not go so far as that, if I understand them. To reach the conclusion they have expressed, they are obliged to connect the evidence coming from these witnesses with the prisoner's own story, and to take his whole life into view.

I come now to the evidence of the physicians who have testified on the defense. Here the counsel for the prisoner place their great reliance. I mean to examine it fairly. I hope, gentlemen, that I place a proper estimate on the value of science and learning at all times. I know, too, the great advantage afforded by experience, and I readily admit that the opinion of a learned and experienced man on those subjects to which he has devoted his study and his life, is entitled to great weight. But all men are fallible; and there is no one of learning so profound, and experience so great, that he may not sometimes be deceived, and consequently at fault in his judgment. To give to the opinions of experts, as they are called in law, the influence asked for them in this case, they should be made up under circumstances most favorable to their correctness. The expert should not be called as a witness for either one side or the other; and, if such were possible, he should know nothing of the situation of the party examined by him; and it is certain the party examined should not know by whom or for what purpose the examination is made. I claim that such was not the case here. Doctor Ray never made an examination of the prisoner. Doctors Earle and Butler did; and under what circumstances, we will see in my remarks on their testimony. I will first look at the evidence

of Doctor Butler, because he is first called by the defense—had longer interviews with the prisoner than Doctor Earle, and is manifestly much relied upon by the other gentlemen in the formation of their opinions. He came to see Clark on the 4th of August. Came at the request of Mr. Chapman, who had given him, in a general way, the details of the case; and had told him that he “suspected his (Clark's) insanity.” He came, therefore, gentlemen, prepared to see a case of insanity, to note everything which might indicate it; and all through the examination the wish must, almost of necessity, have been father to the thought. The human mind is so constituted that this can hardly be otherwise. And it is certainly true, that the view a man takes of a given case, is almost invariably influenced by the habits of his previous life. The man who, for twenty years, has directed his attention exclusively to a particular subject, is very apt (as we say in common language) to make that his hobby. The physician who makes dyspepsia his particular study, will be prone to trace dyspepsia in every case of disease. And so, too, he who makes disease of the mind his entire study, will discover something of that in almost every case of irregularity of conduct; and hence there are those who assert that every impulse is, to a certain extent, insanity. I have heard in this building, upon the trial of David Abbott for murder, an eminent gentleman, whose life has been devoted to the study of insanity, declare that the *majority of mankind* were unquestionably insane, to a greater or less degree.

Doctor Butler came down, then, having been told that a homicide had been committed—that the person he was to see was charged with, and soon to be tried, for murder on account of that homicide—that he was suspected of being insane; and came prepared, as I maintain, to see a case of insanity. He had, then, not a perfectly free and unbiassed mind to bring to the examination; but a mind possessed, to some extent, with the theory of the prisoner's counsel—viz: that he was insane. Under these circumstances, he heard Clark's story. He saw Clark a second time at a later period; but as there was nothing in particular to mark that interview, we will consider both as one. Well, Doctor Butler tells you that, in his opinion, the prisoner is and was insane. This opinion he bases not on any particular circumstance in the case, but on the whole taken in connexion, and *mainly* upon the story told him by the prisoner at the interviews he had with him. It becomes, therefore, of the highest importance to determine the truth of that story; and this depends on the circumstances under which it was told, and upon its harmony and consistency with the statements and conduct of the prisoner at other times. Under what *circumstances* it was told to Doctor Butler, so far as *he* is concerned, I have already stated. Let us now see how it is in regard to the prisoner. He had been in confinement since the 28th of April. At the June Term of Court he was indicted of the crime of murder, and his trial upon that indictment, on motion of his counsel, had been postponed to the Term of Court commencing the first Tuesday of September. In the meantime additional counsel had been employed in his behalf, (Mr. Chapman;) and he knew he was to be defended with

all the industry and ability his own means and those of his friends could procure. He knew the defense of insanity was to be made by his counsel ; for he so declared to Doctor Butler, as you will see by reference to the Doctor's testimony, and he had previously been visited (26th July) by Doctor Earle, in company with his counsel, Mr. Harrison. He knew also who Doctor Butler was, and his object in coming to see him. I know that the Doctor is hardly prepared to admit this; but you can have no doubt of it, gentlemen, when you recall the evidence. Mr. Andrew Bryan, the jailer, tells you that Doctor Butler was introduced to him by Mr. Harrison, and that he introduced the Doctor to Clark as Doctor Butler. He says on this point he is *certain*; and you will observe that although Doctor Butler has been recalled to the stand since this statement, he has not volunteered or been asked to contradict it. It stands, therefore, an uncontradicted fact. Again, the witness admits that he told the prisoner that Mr. Harrison said he might talk with him; and you have seen enough in this case to know that the prisoner would not converse with any one, *unless permitted by his counsel*. The testimony of Doctors Jewett and Knight settle this. After all this, will any one claim that Clark did not know who Doctor Butler was—his object in coming to see him—and that he was to be a witness in his behalf on the trial? It seems impossible. Now let us examine Clark's story more particularly, as upon the truth of that depends almost entirely the opinion of the physicians. There is no one of them, I venture to assert, who will claim that they believe the prisoner insane, if his own story prove to be false. Upon my asking of Doctor Butler, what features there were in Clark's story particularly indicating insanity, and which determined him in the belief that he was insane, he answered :

*First*—The entire coolness and evidently sincere manner with which he told his story.

*Second*—His indifference to life, and the result of his trial.

*Third*—The delusion he was under in regard to the girl's affection for him.

*Fourth*—The delusion in regard to Wight.

*Fifth*—His silly laugh.

*Sixth*—His mission in regard to this girl—to save her from ruin.

Now, gentlemen, did ever, since the creation of earth, a man tell a story under more powerful incentives to seem sincere, than this man? He had before him the very being, as it were, on whom his life depended. As he might succeed in impressing him with a belief of his sincerity, were his chances for life, or an ignominious death. Could he gain this man's confidence, he might go clear of harm : did he fail to do it, the felon's death awaited him. Do you doubt that he appeared sincere—do you doubt that he had reason to do so? I do not.

In regard to his indifference to life and the result of his trial, how is it? I beg leave to refer you to the testimony of Mr. S. W. Knevals. He tells you that for several years he has been accustomed, on the Sabbath, to give instruction to the prisoners in our jail—that Clark was in his class—that he has seen him every Sunday since the second one

he was there except three—that he early discovered he had difficulty in regard to the authenticity of the Scriptures, and that to remove those difficulties he lent him a book called “Nelson’s Cause and Cure of Infidelity.” That the Sunday after, he inquired of Clark if he had read it. He told him he had, and liked it much; but that it made such frequent references to another work, “Butler’s Analogy,” that he could not get the whole scope of the author without that; and inquired of Mr. Knevals if he could obtain it for him.

Mr. Knevals told him that he could, and he tells you that he did, and not waiting for the Sunday, carried it to him on some day during the week. That the interview he then had with him lasted about an hour—that Clark then gave an account of his religious experience—said that his mother was a woman of prayer—prayed and read the Bible daily, and taught him to do so—that he did so for some time—but he fell in with vicious and profane companions, and lost his mother’s teachings and the habits he formed under them. After this he asked how he got along with the “Analogy.” He said he did not read as much as before. *His trial was approaching and HE WAS ANXIOUS. Could not confine his mind to a book long. This was in the fore part of August.* Bear in mind here, gentlemen, Dr. Earle saw him the 26th and 27th of July—Dr. Butler the 4th of August. What think you now of his indifference to life, and the result of his trial? What becomes of the second characteristic point made by Doctor Butler, as a reason for his belief? There has been no effort to discredit this testimony, and there can be none. It is true. I shall refer to it for another purpose hereafter. The third point in the prisoner’s story, according to Doctor Butler, characteristic especially of insanity, is the delusion he was under, relative to Miss Wight’s affection for him. Let us examine this somewhat. In July, 1852, according to Mrs. Bogart’s testimony, it is fair to say that Clark was an acknowledged suitor of her daughter. He continued his visits as such, until January, 1854. During all this time he made no proposal of marriage, and it is apparent from the evidence that at times he was not certain of her affection. This appears from the testimony of Mrs. Rhoda Parmalee, and indeed, gentlemen, CLARK broke the engagement because he was aware of this fact. He told Mrs. Parmalee she did not love him, and he intended to test her by a proposal for marriage within a fortnight. He made such proposal and was refused. He insisted upon a WRITTEN refusal, and it was given him, as appears by the note in evidence.

“As you wish me either to marry you in a fortnight or else give you a note relinquishing all claims upon your attentions, I tell you candidly that I prefer the latter alternative, and I therefore release you from all obligations toward me.”

He was then certain, (if before in doubt,) that Miss Bogart had no love for him. And, gentlemen, *he well knew why he had lost her affection.* She tells you that it was some infamous and obscene verses he had endeavored to thrust upon her, and her refusing to permit liberties he had attempted to take with her, so indecent in their character, that the COURT would not allow, much less compel her to state them.

He admits all this in a note written after the dissolution of the engagement to Mrs. Bogart, as follows :

*Mrs. Bogart* :—I know not how I could have been led to reproach Henrietta as I have done, and it seems as if the loss of her esteem would have been full punishment for the grievous wrong I have done her. But inasmuch as she has felt called upon to thrust back upon me all the mementoes of my kindness, I cannot refuse them, except the bracelet, which being paid for by her, was not a gift of mine. So I humbly pray to be relieved from that.

With lasting esteem,

WILLARD CLARK.

The engagement was never renewed between them; *she* never afterward gave him any reason to think it would be, and how can we say with his own admissions on the record against him, that this man did not know the state of Miss Bogart's affection? It is a significant fact, too, that of all the persons who conversed with Clark in prison, Doctors Butler and Earle are the only ones to whom he claimed that Miss Bogart was attached to him. Gentlemen, like the rest of his story, it is made up for the case.

Again, the delusion he was under in regard to Wight, Doctor Butler thinks a clear indication of insanity. "He said Wight was a great scoundrel, a bad, unprincipled man—that he delighted in breaking up matches and boasted of it," &c., &c., as you will recollect the Doctor testified.

Now is it not extraordinary that not one word of this was ever stated by him to any one else, at the conversations in prison, save to these physicians?

He told Mrs. Bogart and Mrs. Parmalee, to be sure, that Wight did not love Henrietta, and married her because he hated her; but he made no such assertions in regard to his character, to them, as he did to Dr. Butler. He never uttered a word against Wight to Miss Bogart, nor do we learn of his speaking of him as an unprincipled scoundrel and corrupt wretch to any of the numerous witnesses who have here testified, during the year which covered their engagement. Now, is not this extraordinary, if he really did regard Wight as he would have Dr. Butler believe? Again, he spoke of Wight to Mr. Garfield, to Martin Gunn and to Smith Dayton, when in prison. To Mr. Garfield, "he said Wight had given him serious offense;" to Gunn, that "he was gone and he was damned glad of it;" to Mr. Dayton he never said anything against Wight; to Dr. S. G. Hubbard, said he did not expect people would justify him in what he had done to Wight; but he had had his revenge, and was satisfied. Now, gentlemen, is it not passing strange that he did not manifest this delusion to any of these witnesses? Had he been possessed with it, as Dr. Butler thinks, would he not inevitably have exhibited it to some of those gentlemen? Most assuredly he would. But the conversations with them were before the defense of insanity had been heard of, and when he had no motive for simulation. Under what different circumstances he talked with the physicians, we have seen. We come now to the silly laugh—what precisely that is, we

do not know. There has been no attempt to describe it ; and, perhaps, it is indescribable. It is certain that nothing has been seen of it during the ten days of this trial ; and equally certain that no one of those who have been about Clark, since his confinement, have seen it. It is only when the prisoner is conversing with medical gentlemen learned in insanity—whose character and profession he knows, and who are to be witnesses at the trial in his behalf—that these manifestations appear. This is, to say the least, a *little* singular—perhaps some of you may think it *very singular*. I confess to a suspicion of that kind myself.

The impression that it was his mission to rescue this girl, Henrietta, from Wight, at all hazards, is another strong indication of insanity, say the learned witnesses. Dr. Butler tells you Clark said it was not as punishment for what he had done, that he was to kill Wight, but to rescue the girl that he was to destroy him—that to accomplish this end the sacrifice of life was nothing—though he might die, she would be saved—his *mission* would have been fulfilled—that she gave him a look of appeal to save her, and he determined to do it at all hazards—from that time he determined to kill Wight. Now, I again ask, how is it that he never told a word of this to any one else ?

Why is it that when he converses with entire freedom with the various witnesses you have seen on the stand, these *delusions which possess his very soul*, (according to the Doctors,) never appear; and are manifested only to two gentlemen, who, on his trial, are to testify to his insanity ? He knew *that* was to be the defense when he was conversing with Dr. Butler ; the Doctor tells you so ; and you will recollect his evidence on this point. The truth is, he was deceiving Dr. Butler : he was under no such delusion. If he had been, it would have been manifest to every person who conversed with him. Had he believed it his *mission* to kill Wight, he would have gloried in the deed. Had he believed Mrs. Wight wished him to rescue her, at all hazards, from her husband, the moment he had killed him he would have called upon her to rejoice at her escape. Why, gentlemen, to a *maniac* there is no such thing as delusion. It is to him all *real*. And you will find in all cases of hallucination, it is the hallucination on which the mind of the insane dwells. Touch the subject of his delusion, and he will manifest no concealment—he will openly and unreservedly avow the reality of his views. Now in this case, had Clark really believed he had but discharged his duty in killing Wight, he would have declared so. But he was under no such delusion. The story is a false one. It is contradicted by himself. It is inconsistent with what he told others. He says to Dr. Butler he had made up his mind to take the life of Wight, at all hazards. He tells Mr. Dunning and Mr. Garfield it was not exactly pre-meditated. Now where is the truth—in the statements he made to these gentlemen, when he had no motive to deceive ; or in those he made to Drs. Earle and Butler, when he had *every* motive to deceive ? If in killing Wight he thought he had discharged a duty, would he have told Dr. Hubbard, “he did not expect the public would justify him in it ?” No—he would have vindicated himself, and insisted he was right ; and

that the public should so admit. I have now gone over the story he told Drs. Butler and Earle. I have done so at some length, because *it is that story on which they mainly ground their opinion.* They admit this; and that there is not enough in the other circumstances to make a case of insanity. And I claim that I have demonstrated that his story told to these gentlemen, is inconsistent, contradictory, and false. I shall not comment on the testimony of Dr. Earle separately at length. It differs not essentially from that of Dr. Butler; and what has been said of one may well apply to both. You will observe that when he went to see Clark, Mr. Harrison was with him; and you will have no great difficulty in believing that Clark knew the object of their visit. You will also remember that Dr. Earle calls this a case of monomania, or delusion; and in this he is supported by Dr. Ray. There remains for examination the evidence in regard to the insanity of the prisoner's father, Heman Clark: for it is urged upon you by the gentlemen that they have proved that he was insane; and that as that disease is transmissible, the prisoner was from birth in a peculiar manner liable to it. I confess I was taken by surprise at the gentlemen making such a claim in regard to the father of the prisoner. I had never heard of any intention on their part to do so, nor had I ever heard that the father was insane; and I confess that I see no evidence of it now. Why, what is it? It comes from Mr. Ellis, who had not lived in the same town with him since 1806, who never had any business transactions with him, and who does not know when nor where he died. He mentions two circumstances, happening over thirty years ago, as the reason for his belief—one occurring in a store kept by Ellis, another at a small tavern. These were merely the ravings and extravagancies of a drunken man, or one who was bordering on *delirium tremens*; and nothing more. Frank Spencer, for whom he worked, says he was a drinking man—drank *periodically*—and when under the influence of liquor, his strangeness was most apparent; that when not under excitement he was a gentlemanly, well-informed man, and attended to his business. He says that he never regarded him as insane. P. B. Hine relates some circumstances of no great importance, which appear precisely what might be expected from a *periodical drunkard*, of a disposition like that described by Mr. Spencer as belonging to this man. And this is all the testimony they offer in this part of the case. In reply I called on the spot Mr. Bryan, Mr. Timothy Gorham, Mr. Harrison, and Mr. Harris; and they all tell you that Heman Clark was a grossly intemperate man. His intemperance accounts for his eccentricities. No one supposed him to be insane, nor was he ever treated as such. If he had been, we should have had it in evidence. An effort has been made to claim that a brother of the prisoner was insane. No one heard any evidence on this point save Willard's counsel. I shall not trouble you with it.

There is one other reason pressed upon you in support of the claim made by the defense, derived from the open and deliberate manner in which the crime was committed. Gentlemen, I contend that in taking the course he did, the prisoner gave evidence of the very highest degree

of self-possession, and, I may say, judgment. If (as I believe he did) he for weeks brooded over the purpose to murder Wight, he well knew how impossible it was to do it by stealth and avoid detection. Such a thing is so nearly impossible that it has become a proverb, "Murder will out." Especially is this true in this day. The telegraph and railway cut off all chances of escape. Now that Clark had determined to kill Wight *at all hazards*, we have his own authority for saying. And when he reflected upon the manner of doing it, he became convinced that there was no better way than to do it openly and trust to the chance of being regarded as crazy for that very reason. Why, gentlemen, if the public manner in which a deed is done, is to prove insanity, what will be the public safety? And if you give this man the benefit of such a doctrine, how can it be denied to others? It is a doctrine, gentlemen, that will never do—false in its character, and most pernicious in its tendency.

I have now passed over the various points made for the prisoner, and the evidence in support of them, and I ask you, is the claim of insanity, which his counsel make for him, established to your satisfaction? That is precisely the question. For, gentlemen, it devolves upon the party who makes that claim to sustain it by the evidence. It is not for the State to show that the prisoner is not insane. It is for him to convince you that he is so. The law presumes every man sane, and the burden of proving the contrary lies upon him who asserts it. I need not trouble you with authorities for this point. The gentlemen will not deny it. Have they then met the issue which they have made, and satisfied you that the prisoner is insane. I maintain that they have not, and feel confident that you will agree with me. I myself claim, gentlemen, that, giving the evidence for the defense its fullest weight, and admitting it all to be true, it yet does not establish such a case of insanity that you can by your verdict discharge this prisoner. If he knew the nature and consequences of his act, he is responsible for it. Such is the law in the courts of England, the neighboring States, and in our State. I will not accumulate authorities to this. The elementary books lay down the doctrine fully, and the Reports abound with cases which establish and maintain it. I will refer you, however, to the authorities already cited, of the State *vs.* Woodford, in this Court. The Chief Justice says:

"Even if the Jury should find that although the prisoner was at the time of the transaction either partially or generally insane, but yet not to such a degree as to be unable clearly to distinguish between right and wrong, or to impair, in any essential degree, his force of conscience or his knowledge of the full guilt of the transaction—in such a case his insanity would not excuse him, and the law would hold him responsible."

And in the case of Rogers, in the Supreme Court of Massachusetts, the Chief Justice held that "if he knows that he is doing wrong, he is to be held responsible, though the mind may be partially diseased."

Apply this test—consciousness of right and wrong and of the nature of the act done by him—to the prisoner, and where will he stand? Did he not *know* what he was doing? Did he not prepare before hand

everything necessary to enable him to do it successfully? Did he not say after it was done, that he did not *expect* to be justified, but he had had his *revenge*, and that was enough? But we are told that he was under a delusion, an hallucination, and Doctor Earle expressly calls his a case of monomania. If we admit this to be so, it forms no excuse, unless the delusion was of such character, that, if true, it would have justified him in doing as he did. In other words, a delusion will excuse an insane man just so far as the facts, if true, would justify a sane man, and no farther, and this was expressly so stated by the late Chief Justice, in the case before quoted of State *vs.* Woodford. And it is the doctrine of the books generally. And, gentlemen, you will readily see the good sense of this. I may be under a delusion in regard to my neighbor, and firmly believe that he intends to come over to my house this evening at seven o'clock, and take my life. It so happens that at that hour he comes to show me a revolver he has purchased, and as he takes it from his pocket for that purpose, I, believing that he designs to kill me, take his life.

In such a case I *may* be excused, because, if the facts had been as I supposed, they would have justified me in taking his life.

But suppose I am under an insane belief—a delusion—that he intends to steal the flowers from my garden, and I take his life, am I justified? No, because if he had designed to steal my flowers, I had no right to kill him to prevent it. In other words, if I really believe that a man intends to take my life, and under the influence of that belief, I take his, I am just so far excused as I would be justified by the facts, did they exist as I supposed. Apply this doctrine to the case before us. If Clark was under any delusion, it was in reference to Wight's character, and his designs in regard to his wife. He told Dr. Butler that Wight was a corrupt, unprincipled scoundrel, and married Miss Bogart that he might remove her from her friends, get some one to debauch her, and then turn her on the world. Now suppose this to be true, would it justify him in killing Wight? No, gentlemen, not in the least. He might be justified in doing what he could to defeat Wight's villainy, but not in taking his life. This is too plain to be argued. I have thus far looked at this case, in reference to the claim made by the prisoner's counsel, as to the state of his mind. I have endeavored to show that he had no such *general* unsoundness of mind as destroyed his consciousness of right and wrong, and relieved him from accountability for his actions, and that if he was under a delusion, it was not of a character which excused his conduct.

But, gentlemen, I claim to you that all this talk about the insanity of the prisoner, is a gross delusion—that he was and is perfectly sane, and that his crime was premeditated and malicious. I say this because the evidence warrants me in saying it. Whoever heard a word of Willard Clark's being crazy, until long after the death of Wight? No one. He has been in business in our midst for years, and he has up to a very short period before the 28th of April last, given the ordinary attention to that business. People have been in his store daily—they who have resided nearest to him—and noted no change whatever in his

demeanor. Whatever change there may have been, is accounted for by the belief that he was meditating the damnable deed he afterwards committed. Why, gentlemen, I show him to you through a period of years, down to the very day of the murder, and no strangeness is perceived in him. I show him to you in the morning, at noon, and in the afternoon of that very day—yes, five minutes before the murder, and as soon after, and he is cool, yes cool and collected, as the deliberate assassin ever is.

Why, gentlemen, look at him as he calls at Mr. Beers' to get the pistol. See how he rejects the revolver, because unaccustomed to its use, and note how carefully he tries the ball to the weapon he selects. Look at him, at Dickerman's, examining and pronouncing on the quality of the percussion caps he borrows; go further, and just before he leaves the store on his merciless errand, see him endeavoring to sell to Mr. Beers some ham, assuring him that it was perfectly sweet and good, except close to the bone, and urging him to try it; go with him from his store and mark how coolly he enters the house of his victim; and the deliberate manner in which, after murdering him, he returns from the bloody scene; see him enter again the house of Mr. Beers, to return the pistol which had done its fell work; hear him tell how he has killed a two-legged cat, and that they will hear more of it in the morning; observe the possession of his manner as the officer arrests him, and tell me if there be not in all this the most fixed design, deliberate purpose, and fiendish malice? *Is there any insanity here?* But go further. Hear him avow, after he gets to prison, how he did the tragic deed, and listen while he explains to the surgeons, Punderson and Knight, the manner in which he loaded the pistols, the position of Wight when he shot him, the way in which he held the weapon, and how Wight fell. Hear him explain the wound on the top of Wight's head, by saying that there was a music stool near by, and that he must have fallen on that; and tell me if this be the conduct of a man who is insane, and who has done a deed the nature and circumstances of which he did not understand. Hear him tell Mr. Garfield, when he charged him with duplicity for saying, when he borrowed the pistol, that he borrowed it to kill a cat, that he had killed a two-legged cat; that Wight had given him great offense, that he was satisfied, that he owed him a debt, and he had paid it. Hear him say to Martin Gunn that "he is gone, and I am damned glad of it," and to Dr. Hubbard, "I don't expect the public will justify me in what I have done, but I have had my revenge, and I am satisfied"; and answer whether there be not in all this the strongest evidence of deliberately planned crime and gratified revenge? Gentlemen, who, beside the physicians, Drs. Earle and Butler, have seen any evidence of insanity since his confinement? No one. What he said to *others* was said voluntarily, when he had no motive to conceal the truth, and probably no hope of escaping the punishment he knew he deserved. What he said to *them* was after time had given opportunity for reflection, when passion and excitement had passed away, when the love of life had resumed its place in the heart, and the hope of escape through the plea of insanity had been held out by his friends and counsel. I speak ad-

visedly; for again recollect, gentlemen, he told Dr. Butler his counsel intended to make that plea. But we are asked by Mr. Harrison "what physician does the State bring to contradict the evidence given by the distinguished experts who have testified on the part of the accused?" Gentlemen, in view of what has been laid before you in the progress of this cause, if anything can evince greater assurance than this defense, it is this question. Why, you have seen and known that access to this man was denied by his counsel, to every physician sent there by the State. It was so to Drs. Knight and Jewett, and you have seen how Dr. Butler declined even giving his opinion to the State, although requested to do so by me in my official character. You have also seen how quick Clark was to enquire of Dr. Jewett who sent him, and to decline all answers, when he ascertained that he was sent by me. Is this the bold confidence of a man, who, under the influence of an insane delusion, believes he has done right, or the crafty caution of a cunning knave, who desires to escape the punishment annexed to the violated law of man and God? In all this reserve, this secrecy, this unwillingness to see the light, there is much I cannot understand.

I say not that the accused and his counsel had not the right to pursue this course, but *why* they did, I certainly do not know. Well, we are further asked, if you are to believe that a man who in his whole life has never committed an offense against either God or man, would be guilty of a crime like that charged upon the prisoner, unless he were insane? And we are told that it is cruel and unmanly to insinuate that the singularity of the prisoner's conduct may be accounted for by the supposition that he was addicted to the use of intoxicating liquors. Gentlemen, the character of this prisoner is not the issue before you, and this the gentlemen well know. Where the *MANLINESS* exhibited in the management of this case may be, you perhaps can tell, but to suppose that a man may drink ardent spirits after he has stated that he has laid in thirty gallons for his own use, on the first of August, as did this prisoner to Mr. Dayton, seems to me not very unfair. I have looked at this case earnestly, with a hope that I might become satisfied of the prisoner's innocence. But I see nothing to justify that belief. It may be said that as we reject the views offered here in his behalf, we should present the explanation of this man's conduct, which the prosecution claims.

Do you ask me then, gentlemen, why Clark committed this murder? How he came to do it? Ah! we have the history all from his own lips, as it seems to me. We have not attacked his character—he has done it himself. His mother was a woman of prayer. As a Christian mother she taught him when a child, to read his Bible, and to pray daily. He did so for years, and he was for years a communicant with the Episcopal Church. But he fell in with vicious and profane companions, (he says to Mr. Knevals,) he forgot the counsels of his sainted mother, he turned his back upon her teachings, and remembered not her God. Drifting on the dark and shoreless sea of atheism, with no hope in the future—no faith to cheer and make him steadfast—with nothing to guide or control

—driven wherever his evil passions impelled, who so fitted to do a deed of death as he? Gentlemen, I do not overdraw the picture. It is his own. To Jacob Gould, he said, if he had tried as hard to believe the Bible, as he did to make others disbelieve it, "he should not have committed this murder, *for he would have been under more restraint.*" And so he would, but, alas! he was under no restraint. Disappointed in his love—excited by stimulants and his "evil passions"—indifferent to the present, and having no belief in the future, he became tired of life and willing to give it up. But his spirit of revenge would not let him go alone. He must take his victim with him, and hence his foul and bloody murder.

That he regrets it now, I doubt not; that he wishes he had held fast to the faith he once had, I fully believe; that he desires still to live, is unquestionably true. But, gentlemen, he has violated that law which is the only protection of society, and which you are sworn to administer without fear or favor, and from you, in behalf of that violated law, I call for justice on this man. Mercy you may not exercise. With God there is mercy, even for him, and I hope he may find it at the last.

Gentlemen, I have done with my examination of this case. I have endeavored to consider it fairly and with candor. I have made no appeal to your feelings. I have not attempted to excite your passions. It will soon be your duty to pronounce upon the evidence. If you have a *reasonable* doubt of the prisoner's guilt, he is entitled to it; but if you believe him to be guilty of murder, you must say so in your verdict. For myself, I believe him to be guilty of deliberate murder. It is for you to say. The case I leave with you.

COURT adjourned.

*Wednesday Morning, September 26th.*

COURT opened at 9 o'clock.

Mr. CHAPMAN, for the DEFENSE, spoke as follows:\*

*May it please your Honors, and you, Gentlemen of the Jury:*

The investigation of this case, gentlemen, has already occupied your undivided attention, for a period of eight days; and I know you are weary with hearing. I would that my own labors were concluded, and that my duty did not require of me to ask of you at least such patient attention as you can command, while I shall submit such views as have occurred to me, in the progress of the discussion, in regard to the merits of this prosecution and of this defense.

The case, gentlemen, you know, comes to my hands exhausted. My associate has brought to its preparation and discussion, an untiring industry and rare ability. He has discussed every question, which the case involves, and every attempt of mine to add to what he has said, will be little else than re-asserting the positions which he has already laid

\* The argument of Mr. Chapman, together with a considerable part of Mr. Harrison's argument, was stenographically reported by Henry S. Clubb, of New York.

down and enforced. He has laid broad and deep the foundation of this defense, and has reared upon it a superstructure not merely impregnable to attack, but beautifully symmetrical in its proportions. It stands now uninjured by any of the missiles which have been hurled at it in the progress of the discussion. There it stands, gentlemen, as it came from his hands; and what can I do to add to its strength, and what need is there that I should strike a blow in its defense?

Gentlemen, it has been said to you, that the prisoner is arraigned upon an indictment found by the Grand Jury, from the body of the County; and that in that indictment he is charged with having, on the night of the 28th day of April last, committed the crime of murder, in taking the life of Richard W. Wight. Such is the charge in the indictment; but it comes to you, gentlemen, with no greater sanction than would an Information filed by the Attorney for the State, in this County —no other sanction than what pertains to such an Information or complaint. A Grand Jury, as you know, gentlemen, for I doubt not that some of you have been members of such a body, finding that a homicide has been committed, and hearing testimony on the part of the Commonwealth, proving that homicide, as a matter of course, present the prisoner for trial. They hear no defense, no witnesses on the part of the accused, and make no inquiries as to what that defense is. They take the testimony which the public prosecutor furnishes them, and after they find that a homicide has been committed, they present the accused for trial before a petit jury. To this indictment, gentlemen, the prisoner here has pleaded that he is not guilty; and you are selected to pass upon that question which is thus raised by the indictment and by the prisoner's plea. You have been selected for your integrity and your intelligence. You are sworn in the oath which the law prescribes "well and truly to try and true deliverance make between the State of Connecticut and the prisoner at the bar." You have entered upon this duty, solemn as it is, without partiality and without prejudice. You will determine the various questions which are submitted to you on either hand, according to the law and the testimony. You will, if you discharge your duty, as I believe you will, neither shrink from the responsibility which is imposed upon you, nor seek to divide it with the COURT, nor yet with one another. No, *not with one another*. You must *all* agree upon a verdict. And when that verdict is rendered, it is *your* verdict, *Mr. Foreman*, and *yours*.—and a verdict of *each* member of this panel. Each man acts upon his own individual responsibility, and is bound to hear for himself—decide for himself—as though he were acting alone and without the others. If gentlemen, in the result to which you shall come, you shall find the prisoner guilty, as the prosecuting Attorney claims him to be, his Honor, the presiding Judge, and his Honor, the associate, have no responsibility. I say they have no responsibility. Their duty is to preside at this trial; to give direction to it as it proceeds; to determine such interlocutory questions as shall be raised touching the admission of evidence; and when you shall have returned your verdict of guilty, they have no discretion. The law is

imperative upon them. They are merely its instruments. They must sentence the prisoner to suffer death. And then, gentlemen, when the COURT shall have done that, their mandate is imperative upon the sheriff of this County. The act of the sheriff in taking human life under the power of this mandate, issued from this COURT, is an act which he cannot avoid. Thus, gentlemen, you see that if this prisoner, whom I defend this day, shall suffer an ignominious death, it is really, sir—for I speak to each individual of this panel—it is, sir, by your act and by your hand, and on your individual responsibility. But, gentlemen, do not let me be misunderstood. I speak to no man's fears—God forbid. I do not occupy a position in this case, which requires me to resort to any such thing as that. No, gentlemen, I speak of this responsibility, not because I would have you shrink in the least degree from a manly, intelligent, and independent discharge of duty. I desire only that the responsibility, under which you rest, shall be felt individually—that it shall be realized—that it shall be realized as one which, in its nature, cannot be shifted, and cannot be shared with another. My duty, embarrassing as it of necessity is, is as nothing—it shrinks into utter insignificance, when compared with yours; for as to me, gentlemen, when I shall have done that which in me lies in a fair presentation of this defendant's case, I shall have done all that can reasonably be required of me. But you, fallible men, like myself, are to pass upon the question, whether my client shall live, or whether he shall die an ignominious death. I say, gentlemen, although this duty, by the laws of the land, has devolved upon you here, and you are selected by the laws established for that purpose, yet, in common with the whole family of man, you are fallible. But that is not all; you have not only this liability to error resting upon you as one of the infirmities incidental to poor humanity, but you are called upon to form opinions upon the testimony of other men, who are at least as liable to errors of judgment as yourselves—who are at least liable to errors in memory, to say nothing, gentlemen, of those other infirmities, which, to the disgrace of the family of men, we sometimes see exhibited in courts of justice.

Now, in view of this responsibility, and of these high duties, with the life of a fellow mortal in your hands, may I not ask you how it becomes a public prosecutor, or him who is associated with the public prosecutor, to seek to excite prejudices in your minds in regard to this defense. I can well conceive that they may be ambitious to achieve a victory, by persuading you to render a verdict of guilty against this prisoner; because, gentlemen, be it remembered, they are not responsible for your errors. If they were to exchange places with you, and take upon themselves the responsibility of passing upon the question whether this man shall live or die, they would find the position essentially varied from that which they now occupy. It is not to be disguised, gentlemen, that pains have been taken to excite your prejudices against this defense, because it is founded upon the claim that at the time of the commission of this homicide, the prisoner was bereaved of his understanding, and was, to a certain extent, of unsound mind. Now, that the Attorney, or his

assistant, should intimate to you that we are endeavoring to palm off upon you as jurors, that which we do not believe ourselves—that in presenting this defense, we are insincere and are seeking to deceive you—is not only disingenuous, but unprofessional. Is there nothing, I ask, in such a suggestion from the prosecutor, which betrays a weakness in his case? I ask you to think of that. If the public have a case here which can stand upon the proof—if they have a case here which can stand upon its own merits,—why not, in a trial which involves human life, rely upon that? Why resort to the paltry tricks, which if they belong anywhere, would better become a different tribunal from this, and a very different kind of case?

On the subject of the homicide which is charged in this indictment, we offer no defense. We rely confidently upon the evidence, which the prosecutor has offered, in regard to that transaction; but we do not deny the act to have been done, which is charged in the indictment, and to have been done by the prisoner at the bar. It is unquestionably proved, and it is no part of our business to deny it. We do claim, however, gentlemen, that the act itself does not constitute murder; we do claim that it lacks the essential elements of that crime. Every inexcusable or unjustifiable homicide, is not murder. We say of a transaction in which the life of an individual has been taken by the hand of his fellow man, that a murder has been committed; and if the fact is announced in the public newspapers, it may be under the heading, "murder." But I say again, every inexcusable and unjustifiable homicide is not murder. It may be a less offense. But every homicide which is committed is not inexcusable or unjustifiable. It may be done in self-defense or under such other circumstances, that the person doing it may be excused or justified. It becomes, then, gentlemen, of importance, in this case, to enquire and to determine what murder is, as the law understands it. You are judges of the law as well as of the fact, and are responsible to no one for the opinion which you entertain upon any question of law. In this case it is your obvious duty to listen to such suggestions as his Honor, the presiding Judge, shall make to you, touching that law, because he not only understands law better than you do in fact, but is presumed in law better to understand it.

The most perfect definition of murder that has ever been given is the definition of my Lord Coke, which embraces, in a few words, every characteristic which goes to constitute the offense. The definition of the opening counsel for the public fell far short of the real definition of murder. There are some characteristics which are essential to constitute that crime, which that definition did not embrace. He defined murder to be "the killing of a human being with a premeditated design to take life." That is no definition of murder. Lord Coke defines it to be "when a person of sound memory and discretion unlawfully killeth any reasonable creature in being, and under the king's peace, with malice aforethought express or implied." Manslaughter, gentlemen, to which your attention may be called in your deliberations, and which I therefore mention

as another species of homicide, consists in the unlawful killing of another without malice. Thus you see, gentlemen, that to constitute murder, four things must conspire. First, there must be the killing of a reasonable creature, for the killing of a brute is not murder; second, the killing must be unlawful—contrary to law—for, gentlemen, the performance of a hangman's duty is not claimed to be murder; and why? Because the act is lawful killing; third, it must be done with malice aforethought; that is, with deliberation, with design, with preconceived purpose and intent; and, fourth, it must be done by a person of *sound memory and discretion*, for if an individual committing homicide is not of sound memory and discretion, there is no murder. Now each of these ingredients is necessary to constitute the offense; each is as necessary as the other, and, if any one is wanting, the crime is not murder. I shall have the unqualified sanction of the Court to that proposition. Now, gentlemen, this the public must establish, in order to justify the conviction of an accused person either of one kind of offense or another; they must establish the guilt of the accused, beyond a reasonable doubt. So that, gentlemen, in the exercise of your understanding, and of the understanding of each of you, the act charged to be done, and the circumstances under which it was done, and which are essential to constitute the offense, must be proved beyond a reasonable doubt—beyond that doubt, which, as rational men, in the exercise of a sound judgment, the testimony may leave upon your minds. In other words, in looking at the facts which the public shall prove, or which shall be proved on the other side, if you shall have doubts in your minds, as sensible men, as to the commission of the offense, in the manner charged, so as to constitute an offense against the law—if you have such doubts, you are bound to acquit the prisoner. If the testimony is of such character as that it shall banish all reasonable doubts, then you are bound to convict him. Then, say I again, that in order to a conviction of the accused here, as in any other criminal case, everything which is involved in the offense which is charged, must be proved.

I address myself here more formally to the Court, because I ask the Court on this subject to instruct the jury. My claim is, if the Court please, that it is incumbent upon the Attorney, in order to secure a conviction in this case, to satisfy the jury, beyond a reasonable doubt, not only that the homicide was committed, but that the prisoner, at the time of its commission, was of sound memory and discretion. This, if the Court please, seems to me evident from a variety of considerations; and though I do not, I am frank to say, regard it as very important in this case, whether the position for which I contend shall be regarded as the true position, or whether the proposition shall be varied and instructions given with a little different shade—although I do not think it very important practically in this case, yet my own convictions in regard to it are such, that I shall ask your Honor, and do ask the Court, to charge the jury that they must find in this case, in order to justify a conviction, that there was the killing of a reasonable creature, that the killing was unlawful, that it was done with malice aforethought, and

that the prisoner, at the time of doing it, was of sound memory and discretion. And if they find each of these facts upon testimony which shall satisfy them beyond a reasonable doubt, their duty is clear.

I refer here, if the Court please, to a case in the 9th of Metcalf, p. 93, the marginal note of which was read by the Attorney yesterday, upon my handing him the case. It is a case of great length, in which the question which I am now endeavoring to raise was most elaborately discussed by Chief Justice Shaw on the one hand, and by Judge Wilde on the other. The marginal note is :

"When, on the trial of an indictment for murder, the killing is proved to have been committed by the defendant, and nothing further is shown, the presumption of law is that it was malicious, and an act of murder, and proof of matter of excuse or extenuation lies on the defendant."—9th *Metcalf*, p. 93, *prefatory note*.

The question arose out of the inquiry which was sent to the Court after the original charge in the case, and while the jury were deliberating upon it. After the case was committed to the jury with instructions from the Court, and they had been in consultation several hours, they sent to the Court this question :

"Were the jury instructed by the Court that the prisoner must prove provocation or mutual combat, and was not to have the benefit of any doubts on the subject?"

To this question the Court gave the following answer :

"It is hardly possible to give a direct answer, affirmative or negative, to the question of the jury, without some explanation. The rule of law is, when the fact of killing is proved to have been committed by the accused, and nothing further is shown, the presumption of law is that it is malicious, and an act of murder. It follows, therefore, that in such cases, the proof of matter of excuse or extenuation lies on the accused; and this may appear either from evidence adduced by the prosecution or evidence offered by the defendant. But where there is any evidence tending to show excuse or extenuation, it is for the jury to draw the proper inferences of fact from the whole evidence, and decide the fact on which the excuse or extenuation depends, according to the preponderance of evidence. Where there is evidence on both sides, it is hardly possible to imagine a case in which there will not be a preponderance of proof on one side or the other. But if the case on the evidence should be *in equilibrio*, the presumption of innocence will turn the scale in favor of the accused; that is, in a case like the present, in favor of the lesser offense. But if the evidence, in the opinion of the jury, does not leave the case equally balanced, then it is to be decided according to its preponderance."—9th *Metcalf*, p. 94.

That is the instruction given by the Court below to the jury. Well, your Honor, I need not controvert that rule here, for any purposes of this case, because I shall show, beyond any cavil, that with the application of this principle to this case, this defendant must be found not guilty. But I have an opinion upon this subject, your Honor, which I am willing to avow here, made up before I saw this case, but in which it rejoices me to find that I am so supported by very able minds, and, in my judgment, by the unanswerable opinion of Judge Wilde, given in this case. I shall read that opinion, or some portions of it, with your Honor's permission, to the COURT and jury.

[Here Mr. CHAPMAN read at some length the opinion of Judge Wilde.]

If the burden of proof was on the Commonwealth, the instructions to the jury were clearly incorrect; if, on the contrary, it was on the prisoner; if on proof of the homicide, as charged, it became the prisoner's duty to assume the burden of proof, he had no grounds of exception, and these instructions were more favorable to him than the law requires. That the burden of proof was on the government in the first instance, to prove all the essential facts alleged in the indictment, cannot be controverted. But the counsel for the commonwealth claimed that, having proved his charge, the law presumes malice, and, secondly, that the *prima facie* case for the government was fully proved, and thereupon the burden of proof shifted, and was thrown on the prisoner to make it appear that the homicide was excusable, and was committed on such provocation as was sufficient to reduce the crime to manslaughter.

And here, if the Court please, to prove that the man was of sound mind and discretion, would be essential to support the indictment. This just rule is of great importance to the trial of civil cases, where evidence is doubtful; but it is still more important in criminal trials, and most of all, in capital cases. The *prima facie* evidence in the case never shifts the burden of proof. Your Honor knows that the case cannot be stated where it does.

If your Honor will look into the cases to which Judge Shaw refers in giving his opinion in this case, you will see that the burden of proof never shifts, so long as the defendant grounds his defense on denial of any material allegation in the indictment. I ask your Honor's particular attention to that.

For instance, if the prisoner had founded his defense on proof of an *alibi*, and had produced witnesses here testifying to that *alibi*, undoubtedly the jury, if they entertained a reasonable doubt whether the *alibi* was not proved, would have been bound to render a verdict of acquittal, notwithstanding the government claimed to have made out a *prima facie* case. It becomes a question of identity, and that involves directly the question whether he did the act. So here the allegation that the prisoner feloniously, willfully, and of his malice aforethought, did kill and murder, involves an implied allegation that the prisoner was of sound memory and discretion, when he committed the homicide. You are aware that when a *prima facie* case is proved by evidence, it must be kept proven beyond a reasonable doubt, in order to secure conviction. I might read this opinion at large. It is of great length; and all the authorities which we are able to consult on this question are examined with great ability. But I will not now trouble the Court by reading at any greater length. The opinion, however, is one which, in my humble judgment, no lawyer can satisfactorily answer. It commends itself, gentlemen of the jury, to the good sense of every man.

I have had occasion to speak of malice, and of its being the great leading characteristic of the crime of murder. But, gentlemen, can we speak of malice in a maniac, or of malice in an idiot? Can we speak of malice in a man of unsound mind and discretion? He cannot have

the malice contemplated in the definition. There are two things which the public must prove beyond a reasonable doubt, to insure the conviction of this prisoner, and they are, first, that this act was malicious; and, secondly, that it was committed by a man in the exercise of a sound understanding. Now if we are right in our facts, gentlemen, we have demonstrated to you that these two, out of the four elements which go to constitute murder, are wanting in this case; and if the Attorney has satisfied you, beyond a reasonable doubt, that they are not wanting—that this man is a man of sound mind, and that this act was done of his malice aforethought,—legal malice, the malice of a man in the exercise of a sound understanding—why, gentlemen, he has done what has not been done since the days of our Saviour, for in the face of this evidence he has produced a result which is a miracle in its operation upon the minds of thinking men.

I come now to the examination of a question which is the great leading question in this case, and to which all other questions are subsidiary and subordinate; and that is, was the prisoner, at the time of the commission of this homicide, of sound memory and discretion?

Gentlemen, before I go on to speak of that question, I desire to pay my respects to the counsel on the other side for a moment, and to call your attention to the mode in which they have sought to forestall your opinions upon this question. It was said by the opening counsel that four men, within a year, in this county, had gone “unwhipt of justice.” Now, gentlemen, I think it is quite probable he underrates the number—I have no doubt of it. Who these were, I do not know; nor what crimes they committed, or attempted to commit, I do not know; I suppose you do not; I do not know why you should. I do not know, gentlemen, what aid it would give you in determining this question upon the evidence given in Court. It has been said by the Attorney himself, as well as by the associate, that crime is greatly on the increase in our land. Well, gentlemen, I had a hope, that under the benign influence of a law upon our Statute Book, recently enacted, crime was on the decrease. Such has been my own observation of it, and I have known enough of matters of this sort, in this immediate vicinity. But, gentlemen, suppose crime is alarmingly on the increase, what have you to do with that? If crime is on the increase, does it impose any obligation upon you to find a verdict of guilty against an insane man? And if it does not, gentlemen, can any one of you tell me why such considerations are intruded upon you now?

Again, gentlemen, it is said by the Attorney that if this man is discharged, it is licensing crime—*licensing crime!* Gentlemen, I cannot but admire the tact of the Attorney in this regard. It is vastly more convenient to beg a question than to meet it. But, gentlemen, what have you to do with the question whether the discharge of this man would encourage crime or discourage it? You are here upon your oaths to try, upon the evidence before you, the question of this man's guilt; and for the purpose of his conviction, you are to be satisfied of his guilt, according to the rules of law, beyond a reasonable doubt. And, gentlemen, from such considerations as I have brought before you,

and such other considerations, God being my helper, as I will refer to before I sit down, you will see that the intrusion of these irrelevant statements upon the attention of the jury upon a solemn occasion like this, is an insult to the tribunal to which they were addressed; because, gentlemen, it is for illegitimate, it is for improper purposes, that this attempt is made to lead you away from the evidence in hand. Let the gentlemen on the other side meet us like men of mettle,—let them come up to this conflict and see where the strength is. It can be settled only by the evidence which is in Court, and it cannot be settled upon evidence out of it.

I propose to pursue a course in this discussion somewhat different from that pursued by my associate counsel. Indeed, gentlemen, I should exhaust your patience if I could not give the subject in this way some variety, for every topic has been minutely examined. I propose to pursue this matter in regard to the state and condition of this defendant's mind in the order of time, beginning back in his boyhood, and following him down to this hour; and if you will bear with me,—if you will attend to the evidence as I will recite and recapitulate it to you, in the order in which it was given,—if I do not show you that, so far from this defense being one which has been got up for the occasion by the efforts of counsel, it is founded upon the very best evidence; upon evidence of the very highest order; upon evidence entitled to the most implicit belief; on testimony which is not only not shaken, but which is uncontradicted—if I do not show you that, gentlemen, then I do not understand the character and weight of the testimony which has been adduced on this trial.

Gentlemen, the counsel on the other side—the young man who opened—and much is to be pardoned in a young man trying for the first time in his life a case of this character—much is to be pardoned to him—his effort, gentlemen, before you was an ingenious one—creditable to him, highly so—but in his zeal, which young men feel when called to make an effort of this character, it is not strange that he should throw out thoughts which do not belong to this place—he has said, gentlemen, that the defense here, “as is usual, is insanity—the resort of counsel in desperate cases.” There is a stinging commentary on that remark to be found in Dr. Ray's Treatise on Medical Jurisprudence, which I will not stop to look up. The purpose is to excite prejudice in the minds of jurors in regard to the character of this defense. Why, have my friends on the other side got a case here which makes it necessary for them to resort to experiments of this kind? Is that so? So far, gentlemen, from this being a defense which is frequent, it is a mystery, it is a marvel, that more homicides are not committed, and more defendants discharged, on the ground of insanity. There are, gentlemen, at this time in this Commonwealth more than four hundred deranged men at large, mixing with society, with their neighbors and friends. It is by no means a matter of unfrequent occurrence that people are discharged from our Insane Asylum in this State partially cured. Friends are anxious—they insist, before the work of cure shall have been perfected, that the mother shall be permitted to return to her children—the bus-

band to his wife—and they anticipate a continued improvement. But the patient, when discharged, relapses; the insane impulse seizes him; and a loss of life is the consequence. So far, I say, gentlemen, from its being a defense which is frequently set up, it is remarkable that homicides, or "murders," as they are called in common parlance, are not more frequently committed than they are; and that it does not become necessary to set up this legitimate defense more frequently.

It is well settled, I was about to remark a little while ago, that the children of insane parents are more liable to be afflicted with mania than the children of sane parents. It is not, gentlemen, perhaps, necessary to read authorities on that subject; yet, as I have one in hand, I will, because, gentlemen, it is the doctrine of the books, the testimony of the faculty; although I do not understand that it is contradicted in this case:

"There are many individuals living at large, and not entirely separated from society, who are affected in a certain degree by this manifestation of insanity. They are reputed persons of singular, wayward, and eccentric character."—*Ray, M. J. Ins.*, p. 168.

Gentlemen, you have some of them in all your neighborhoods—your own recollection will suggest to you instances of the character mentioned here. An attentive observer may often recognize something remarkable in their manner, and although he may not suspect them to be afflicted with insanity, inquiry will enable him to detect the malady. In many instances it is found there is a hereditary tendency to madness, or that several relatives labor under diseases of the brain, and the individual himself is ascertained, in former periods of life, to have sustained an attack of madness, &c.

So, too, gentlemen, in *Ellis on Insanity*, page 42:

"Again, as we find that children resemble their parents in conformation of the body, in feature and complexion, and even in the color of the eyes and the hair, it is but reasonable to conclude that there should be a like resemblance in the structure of the brain and nervous system; and that as other diseases, for instance, gout, serofula, phthisis, &c., are propagated for generations, so also should diseases of the brain. There cannot, indeed, be any doubt that insanity is an hereditary disease."—*Ellis on Insanity*, p. 42.

So are all the books.

Having asserted the principle and referred to the authorities thus briefly, and to the fact that the proposition is not controverted by the other side, let us see whether the principle has anything to do with our case; for I told you that I would begin at the beginning, and trace this matter to the end. I say, gentlemen, that Heman Clark, the father of the prisoner, was subject to periodical fits of insanity. He died many years ago, and we have but little testimony on the subject. He lived, during most of his life, in what is now Naugatuck, and was a clock-maker by profession. Now, do we prove that he was an insane man? Let us see:—for here, gentlemen, we have witnesses on the stand. They (the counsel for the prosecution) claim that he was a man of sound mind; that his only difficulty was, that he was addicted to the immod-

erate use of intoxicating liquor. We say, gentlemen, that we prove that he was an insane man, not only by our own witnesses, but we say we prove it to your satisfaction by theirs—some of them. In the first place we called W. H. Ellis, of this city, a man known to you,—a clear-headed man, who says what he believes, and communicates with clearness that which he has seen. Mr. Ellis says, that as to this man, Heman Clark, he was a deranged man; and he gives you the reason for his opinion. He (Mr. Ellis) occupied a shop in Church street; and he says that one morning, Heman Clark came in there and spoke words, gentlemen, which would seem to my mind—I do not know how they strike yours—to indicate insanity, beyond all controversy; for he said, not to repeat the whole conversation, that he could get along as well without God Almighty, as God Almighty could without him. He said, on another occasion, that by the mere breath of his mouth he could remove East or West Rock both into the city; and when Mr. Ellis remonstrated with him for this impious language, he cautions him, saying, "Do not provoke me to curse you; for whom I curse, is cursed, indeed."

Well, gentlemen, not to speak of other matters, in regard to which Mr. Ellis testifies more particularly, he says he has seen him on divers occasions, in Church street, at Mr. Stevens' Hotel, and upon the highway, has traveled with him on the road, and has conversed with him on other occasions. Clark was, beyond all question, in Mr. Ellis' mind, an insane man, and Mr. Ellis said—and he is an uncontradicted witness, touching this matter—that there was no reason to believe on any of these occasions, that Heman Clark had been in the use of intoxicating liquor.

This delusion under which he labored, this idea which he had of his supernatural power, is perhaps more common than any other delusion of the insane mind. Numerous cases have happened, very many are reported, which are well known to this Court, of men who have entertained it in their individual cases,—Hadfield, for example, who believed that he was the Saviour of mankind, and that he must be crucified or put to death for the sins of the world. It is well known that this belief is by no means unfrequent.

But I pass, gentlemen, to the testimony of Frank Spencer. We knew when we introduced Mr. Spenceer, that he would not say Heman Clark was deranged; but we knew he would disclose a set of facts which would enable you to see beyond all question, that he was deranged; for, gentlemen, there are men in the world, and they are by no means rare, who suppose that in order to constitute a deranged man, he should be what we understand by the term maniac—a man whom it would take half a dozen men to hold—or a man who should be chained to the floor for the security of others—a man who should be shut up and imprisoned because of his general violence—a man who, upon no subject, can distinguish between right and wrong, and who has not the ordinary emotions of a man. It is not many years since it was adjudged that a man who could repeat the multiplication table, was responsible for crime—that a man who could count twelve—if he had

intellect enough for that—might be convicted of the crime of murder. Counting twelve, and repeating the multiplication table, were the tests. Courts of justice have sent men to their long account, upon the application of these tests. Shocking as is the thought, again and again, gentlemen, have men been ignominiously put to death, who, in the particular case, did not know right from wrong. I saw in the public prints, a day or two ago, an account of the execution of a lad ten years old. It was in New Orleans, if my memory serves me, and when the sheriff and his attendants went into the cell to take the boy out to sacrifice his life, the little fellow was playing marbles upon the stone floor. This is a picture for a humane man to look upon! Happily, gentlemen, for us, there has been within the last half century, some progress in knowledge, upon this subject of insanity. Men have come to know something in relation to it. Asylums for its cure have been instituted all over the land. Eminent men, humane men, scientific, thinking men, have been put at the head of these institutions, and, God be praised, they have "ministered to minds diseased," and "plucked from the memory" many "a rooted sorrow." It is within the memory of some—I see two or three upon this panel who remember well—when insane men were confined by a short chain to the floor; when by reason of their habits it was thought necessary, sometimes, to confine them in caves of the earth, without fire, during winter, and without any provision for them other than that which was necessary to satisfy absolute hunger, and to sustain life. These were common occurrences in the various towns of our State, and perhaps there was not one town which did not furnish an instance of this character. But, gentlemen, as Dr. Butler told you when testifying, there are no straight jackets now—no confinement such as formerly existed, for men of this character—but they are cared for in institutions which have been provided for them by the bounty of the State, and the bounty of individuals; and in all instances where the ailment is curable, it is cured, and where it is incurable, the patient is made comfortable, while he shall live on earth. But, it has been said to you, that if you shall acquit the prisoner, he is to be turned loose upon society, and it may fall to the lot of you or of others to become victims of his insane acts. Gentlemen, our own law has made provision on that subject, which I will read to you:

"SECT. 14. Whenever any person, tried for murder or manslaughter, shall be acquitted on the sole ground of insanity, the court before whom the trial is held, may, if they deem it proper, commit such person to the jail in the county where such trial is had, there to be closely confined during such insanity, unless some person shall undertake, before such court, and give bond to the treasurer of the state, to the satisfaction of such court, to confine such insane person in such manner as such court shall direct.

"SECT. 15. And any person confined as aforesaid, or his relatives, shall have the right to apply by petition, to the county court in the county where such person is confined, for his enlargement; which petition shall be served on the selectmen of the town where such person belongs, in the manner prescribed by law; and said court shall order and decree with respect to the future disposal of the person so confined, as to them shall appear proper and reasonable. And all expenses incurred under this and the three next preceding sections, shall be paid out of the estate of such lunatic or distracted person, if he has any; if

not, by his relations, if he has any of sufficient ability, liable by law to support him; if none, then by the town to which he belongs."—*Rev. Stat. of Conn., Comp. of 1854*, p. 612.

So that, gentlemen, the law has wisely provided in cases of this character, for the safe custody of the accused.

But, gentlemen, I was proceeding to speak, when I was led away from the subject, in relation to the testimony of Frank Spencer, who says this Mr. Heman Clark was a man actuated by passion and impulse; that he expressed himself extravagantly under excitement; that he used bad language; that when he was not under the influence of liquor he was not excited, was a gentlemanly, well informed man. Mr. Bryan testifies that he never saw him when he was wild or eccentric—never on all the occasions when he saw him. But Mr. Spencer, gentlemen, must be a well informed man, and he was acquainted with him twenty years. He relates, that on one occasion, when the boys were in the shop, Clark told them to go home and prepare wood for the night. These were little children, less than ten years old. He ran after them, rushing out furiously; he threw stones and clubs at the children to drive them—children from seven to nine years of age! Then, gentlemen, Spencer gives you an account of the opinions Clark entertained as to his power. On several occasions he assured all who heard him, with apparent sincerity, that he could raise, upon a piece of land, half the size of the counter of the store where he was speaking, turnips, which he could sell for five cents a bushel, sufficient to feed the inhabitants of the town of Naugatuck, the entire year. He was very violent; he was in attendance ordinarily upon the Episcopal Church there, and was ordinarily devout, but these instances of violence were common with him. He would get excited against particular people, imagining, as with regard to Mr. Bunnell, that Mr. Bunnell did everything bad that was done in the town of Naugatuck—that nothing went wrong in the town of Naugatuck but that Mr. Bunnell was the cause of it. It was always with entire sincerity that Clark said and did these things, no matter what the thing was. But, gentlemen, Mr. Spencer says it was not merely when he was excited—particularly excited—that Clark had these thoughts, but when he once formed an opinion of this kind it was a continued opinion—he never gave it up. He never gave it up in the world, in regard to Mr. Bunnell. But Mr. Spencer says, he could not make up his mind that Clark was insane. Why, gentlemen? For the reason that Spencer entertains certain notions as to what constitutes insanity, which he has explained to you, and which it is unnecessary for me to repeat. Mr. Spencer is an honest, intelligent man, but has crude notions on the subject of insanity. According to his views, there are not more than half a dozen patients in the Insane Retreat, that ought not to be discharged on a writ of *habeas corpus*, because they are not insane. Your opinion is to be made up, after hearing what is said by men who are well informed upon this subject.

Mr. Hine is known to you all, as a man of intelligence. He knew Mr. Heman Clark, well; knew him when he was at work for Spencer—knew him when he was at work for him also, at Straitsville. He tells the

story in regard to this turnip matter. He tells the story in regard to Clark's notions about making a clock that would run a thousand years, and the only tools that he would employ in making it—a steel-trap and a gun-barrel. He describes him as sitting out doors late at night, and refusing to come in. He was in a moody state of mind, which Mr. Hine perfectly well understood, and he says that he has no doubt upon the facts which he discloses, that Heman Clark was a deranged man. What more testimony is needed from us? But how is this testimony of ours met? In the first place, it is attempted to be overthrown by Mr. Israel Harrison, who is offered to prove that Heman Clark was not insane. He has stated that he knew Mr. Clark, and was at one time at his place of residence, and talked with him about an alarm time-piece which was to be made for him, but which at that time was not done. He did not see anything to lead him to suppose that Heman Clark was deranged. A great many others could be brought to say the same thing, because their attention was not attracted to anything. Nothing happened at the time when Mr. Harrison was there, to call forth an opinion in regard to the condition of that man's mind. There is also Mr. John W. Harris, who swears to much the same thing; says that he knew him, and knew that he sometimes drank too much, and that he was a man who made use of odd expressions, but did not know that he was insane. Mr. Timothy Gorham knew the same; states that Clark was an intemperate man, but an ingenious clock-maker, and has seen him when he thought he was intoxicated. That is all the evidence offered on the part of the State, to prove Heman Clark to have been a man of sound mind. I submit to you, without further comment, whether that meets or approaches the testimony which we have offered in regard to his condition. They say on the other side, that he was an odd, eccentric man, undoubtedly. We say upon this evidence, that he was insane. He had another son who was insane, Elmer Clark. We have not adduced evidence to prove this, but the counsel on the other side have proved that fact to you. The State's Attorney called Mrs. Collins upon that very point, or he called her and she answered as to that point, among others, that Elmer Clark, the son of Heman, was a deranged man, as we knew he was. We offered no testimony about it; we did not suppose it was a matter which could be contradicted; we rested upon that testimony, and were satisfied. Therefore we say, gentlemen, it is proved, because it has been testified to and has not been denied. Now, gentlemen, all this we should look for. For, whether Heman Clark was insane, as we say he was, or the odd, eccentric man they say he was, we should look for insanity among his posterity. Such is the authority which I have read to you, that there is a propensity among the children of such parents, to insanity. I refer also, gentlemen, to the second volume of the *Journal of Insanity*.

"According to the investigations of the continental pathologists, the children of eccentrics have been frequently insane; and in my own practice I have found both the children and grandchildren of such persons very prone to brain diseases. Indeed I have very lately attended the two grandchildren of a very singular character, and they both died of meningitis."—*Jour. of In. for 1846, vol. 3, p. 26.*

Your observation in society conforms with mine. You have seen the peculiarities of an ancestry in the child. Often you see resemblance of countenance, and resemblance in the color of the hair and of the skin, and even in the peculiar motions of the child. And then again, gentlemen, they will not disclose themselves in the first generation, but they will break out in the grandchildren; and there you have the grandfather and grandmother reproduced. I have no doubt every one of you has had occasion to discover and note these occurrences. But, gentlemen, this brings me down to the prisoner at the bar.

Who is Willard Clark? And what has he been from a child? His intellectual organization, gentlemen, if you are to believe uncontradicted testimony, is somewhat peculiar. Mr. Lovell speaks of him when he was a pupil of his, as a sensitive boy. Dr. Croswell, to whose care he was committed by his mother upon her dying bed, has opened this subject to view, so that we can see what this boy was. He tells you that he was singular as a lad; that he was liable to fits of extreme depression; that he was exceedingly sensitive to neglects, and mortified by slights. But he tells you that they did not excite his ire or his revenge, but depressed him; that was the operation of them. We find that when his mother died, during his tender years, he was deeply afflicted by her death; that it was not that transient grief which passes over the heart of a child and leaves no traces in its pathway. No, gentlemen, it was an enduring, a lasting impression, the effect of which was spoken of in a manner not to be misunderstood by Mrs. Rhoda Parmalee, a more intelligent, truthful witness than whom has not appeared on the stand. I shall not, gentlemen, recite to you, in detail, what she says on the subject. You will remember her testimony; she speaks of the effect of this death, because it happened while Willard Clark was in the employment of her husband, and she had occasion to notice it. He was sensitive, she says, to everything which was wrong. His mother's death, which happened when he was first with them, affected him much. He was an affectionate son. He looked sad and melancholy. He seemed to think he had lost his only friend. She described this effect as enduring; it was seen from time to time all along, as he grew older. This was the effect which the death of his mother produced on his mind. His character from that time up to the time of this transaction, has been without a blemish. I allude to the fact, gentlemen, because it is a little singular. Here is a man, twenty-seven years of age, on trial for the crime of murder; and, it is claimed, that in cold blood and without provocation, he has taken the life of a fellow man. Yet with all the diligence which has been used in the preparation of this case on the part of the prosecution, all the efforts of the Attorney, all the efforts of the associate Attorney, all the efforts of the Grand Juror, who was the uncle of the woman whose husband was killed, not one witness has been found to say aught against the pure, unsullied character of this man. Why, gentlemen, it would be remarkable in the history of twenty-seven years in any man's life. The testimony, the uncontradicted testimony is, that his disposition is uniformly amiable. In short, gentle-

men, no man, no woman has breathed one word against his reputation in any particular, up to the time of this homicide.

Then, gentlemen, I take that which comes next in order, for I mean that each of these matters shall stand by itself in a way that you may look at it; and if I do not fall short of what I propose to myself, I will show before I sit down that there is not in the evidence offered by the Attorney in this case, anything which touches the question which you have to decide. There is not enough in the prosecutor's claim to make a shadow, when viewed in the light of the evidence.

I come now, gentlemen, to the matter at Chicopee. It seems that in the year 1846, the prisoner went from this city to Chicopee, in Massachusetts, a town adjoining Springfield, lately a part of that town, where he labored for a time in a factory. That he there met with a young woman, he being then nineteen years of age. The name of the young woman was Almira Scott, and her parents resided in Maine. He formed an attachment for her, and entered into an engagement of marriage with her. He furnished her means to return to her parents in Maine, expecting that after she had made her visit there she would return to Chicopee again, where it seems she had left some of her apparel. Gentlemen, the Attorney has seemed disposed to ridicule the attachment formed by this young man for this woman at that time. He says, if there is any time in the history of a man's life when he would be liable to be in love, it is about the age of seventeen. Some are moved by such emotions about that early period; and some of us may have lived longer before we have been impressed by the other sex. But there is now and then an individual who lives through his long life alone, dies and is forgotten, who never felt the emotion. I do not know that there are any rules which govern this subject. Nor have I supposed, under any circumstances, more especially those involving the life of a man, that it was proper or expedient to indulge in any attempt to ridicule an honorable, high-minded and proper attachment to a person of the other sex. Gentlemen, if there is anything which lets into a man a little of God's sunlight, it is that emotion. It was honorable in this prisoner that he felt it. We have taken some depositions to prove the character of that attachment, to prove the circumstances under which the engagement was broken off, and to prove the effect which was produced upon the mind of this prisoner.

I don't mean to speak of them very much in detail; I rather mean to speak of them as a whole; some portion of the depositions, I intend to lay before you, but before I proceed to speak of them, let me say two or three words to you upon the subject of the criticism which the Attorney has undertaken, in regard to these depositions.

I regret, gentlemen, to be compelled to occupy so much of your time, as I shall, but we are here for the trial of this case, and my purpose is to do it justice, as I know it will be yours. What is this testimony as a whole? It proves that there was such an attachment. It proves that this woman went off to Maine, and that she expected to return. She received a letter purporting to be from the prisoner, which was written

by another person, which offended her, and she married another. He afterwards went to Maine. He there saw the girl who was married to a Mr. Spencer. He saw her father, her neighbors, brothers and friends; and through the depositions taken at Chicopee, and taken at Orono, we prove these facts, and we prove them for the purpose of showing to you that at that time the prisoner was of unsound mind. Now the Attorney, gentlemen, says to you, that these depositions are taken under a law which the General Assembly ought never to have passed. The General Assembly, as you have had occasion to know, some years since, passed an act which gave the accused in a criminal case, a right to take depositions in another State, and at the same time it gave the State's Attorney the right to file cross, or additional, interrogatories. The law prescribes the mode in which it shall be done. The order should be made by the Judge who holds the term, and everything which that act requires has been done in this case, in taking the depositions to which I refer. It so happens, gentlemen, that the Attorney, no matter now for what reason, filed no interrogatories. He went to Maine himself, and sent his assistant to Chicopee, but they were refused the right to appear. Of this the Attorney complains, but the Commissioners did right, and the objection taken to receiving the depositions for that cause, was overruled, and they have been heard. It is not necessary that I should defend the Legislature who passed this law; they passed it for reasons satisfactory to themselves. It has been in operation and upon the Statute Book for years. The practice in this case has been under that Statute and pursuant to it. Under the order of the Judge the depositions were taken; and now it is said that if there had been a cross-examination, nobody knows what might have been elicited. That is doubtless true; but I have supposed you were here to try this case upon the evidence before the Court and the Jury, and not upon something that might have been or might not, and about which there is no proof. I may be mistaken about it; but it is my belief that it is your duty to try this case upon the *evidence in Court*, and not upon evidence which might or might not exist out of Court or somewhere else. If I were to opinonate upon the credit due to witnesses, I should choose to do so with the light of the examination of those witnesses in Court, and if the Attorney has left a scar upon a solitary witness who has undertaken to testify on behalf of the prisoner's insanity, I do not know that witness' name. Those witnesses in Chicopee, and in Orono, have testified in reply to each interrogatory. They knew not, when they answered one interrogatory, what the next one would be. No one was present at the examination, but the witness and the Commissioner.

Now, is it to be said that this testimony is not to be believed? If not, why? Is it because the Attorney did not file his interrogatories? What if he had? Is there any reason to believe that the testimony would have been changed? He says he believes the Court to be right, in overruling his objection to these depositions. Why, then, did he not file cross-interrogatories? Why, he says the direct interrogatories were

so general, that he could not tell what was meant. Could not tell what was meant! Why, gentlemen, you heard those interrogatories read, and I desire to know whether they do not clearly indicate the purpose of the counsel in putting them. This man's mind was in such a condition, when he was in Massachusetts and Maine, as to render it advisable to send there for testimony on that subject. Why did not the prosecuting Attorney sit down and write questions for these witnesses to reply to? He could have written such interrogatories as these: "Have you reason to believe that Willard Clark was of unsound mind? if so, will you state upon what facts you found your opinion?" He would then have had it; but instead of doing that, he went there, where he says he knew, virtually, he should not be permitted to appear to interrogate them in person—then comes into Court and objects to the reception of those interrogatories, knowing they were correctly taken under the Statute. You will not distrust the testimony we offer, because the Attorney did not do his duty in investigating the facts about which these witnesses were cognizant. When these interrogatories were served upon the Attorney, why did he not pack up his valise, and go to Chicopee, see these witnesses, and inquire what they knew; then come back to New Haven, and file his cross-interrogatories? Gentlemen, he did not do this, although it is a case of life and death; and he asks you to suppose that these depositions are not entitled to credit, because he did not do his duty! Now my client's friends would rather have him tried upon the evidence before you. Are not thirteen witnesses in Chicopee, all swearing to the insanity of this man, in various particulars, and pointing out the reasons for their opinions—reciting his conduct in various instances—entitled to respect? These depositions have been laid before you, and you will have them before you when you are deliberating. I have too much to say to permit me to read them here. We could consume a day in reading them. I commend them to your attention, if it is needful to look at them particularly for any purposes in this case.

Gentlemen, if you look at these depositions you will see that from the time of his discovery that this attachment for the Scott girl was an unfortunate attachment, he was changed in all his habits; changed in all his feelings; changed in all his conduct. They describe to you how he behaved himself at Chicopee, after his return from Maine; they describe him as he appeared in Maine when he was there. Gentlemen, your own memories will serve you with all the essential features of the testimony upon these points; you will remember his conduct with the knife; you will remember the laugh; you will remember his appearance at the table in the presence of strangers; you will well remember the letter written to the woman, for you have had the testimony of the woman herself as to her own views. They were all alarmed, lest he might take his own life, or the life of her husband, or the life of herself. You see from the testimony at Chicopee, that when he moved, he took with him everywhere, where he moved, the dress, the old dress, that this girl left behind. You have from these witnesses the descrip-

tion of those bursts of immoderate grief; you have the description of the expression of his countenance; you have a description of the manner he walked the room ; of the exhibition, in all particulars, which he made both in Chicopee, after his return, and in Maine, while he was there. It is not needful that we should speak of these depositions in detail. Gentlemen, what is there in this testimony which a cross-examination could have impaired ? Which one of these witnesses is not entitled to full credit ? Were they not all sworn ? Have they not all testified positively ? Have not thirteen deponents at Chicopee, and five at Orono, in Maine, all sworn to this same set of facts ? I wish to know, gentlemen, upon what idea it is that the Attorney proceeds, when he supposes that he can deliver himself from this avalanche of proof ? Eighteen persons swearing substantially to the same facts, in two different States of the Union, separately from each other—in answer to different interrogatories, each put without the witness being advised what question would be put next—with no impeachment and no contradiction—how, I ask, can the counsel for the State expect to deliver themselves from the force of this proof ? But, gentlemen, the only answer that is given is, “ Who knows, but if we could have cross-examined these witnesses, we might have found something ? ” You cross-examined thirty witnesses here, and you were worse off when you had done than when you began. So, gentlemen, it would be dreaming of that which could not, in the nature of things, have happened, if you were to dream that, peradventure, something might have been proved if there had been an attempt to prove it. I will not read any part of these depositions. You have heard them, and will have them before you ; and I am satisfied. These events happened in 1847.

And now, gentlemen, in the progress of the examination which I proposed to myself, I come to the testimony of Mr. Judson Canfield. The affair of which he speaks, happened in the autumn of 1850. Gentlemen, I need not stop here to tell you who Mr. Judson Canfield is. He resides in this city, and is known to you and to the community. He tells you that in the year 1850, in the fall, or during that year, the defendant was one of his customers—purchased goods in his store ; that in the October of that year he attached goods in the prisoner’s store, on account of money due to him. The defendant called upon him, and asked him to do so ; told him that his (Canfield’s) debt was larger than all the others ; that his brother had got to leave him, and there might be difficulty ; and if there was any difficulty, he might kill his brother. Mr. Canfield asked him if he knew the consequences of killing his brother. He said he did, but could not help it—could not help it ! That was the reason which he gave for his wishing to secure him ; and in consequence of it Canfield attached his goods. He said that Clark talked like an insane man, and he (Canfield) believed he was insane ; but that if he committed an offense of this sort, his property might be sacrificed, and he (Canfield) might lose his debt. He said that the defendant came afterwards to arrange the attachment. The spasm (so to speak) passed off after about two weeks, when Canfield

told him he should not have attached him, but he thought, from his conversation, he was a deranged man; and he did not know what might happen. He had no other reason but apprehension, arising out of Clark's apparent insanity. Now, gentlemen, here is Mr. Judson Canfield, a man of high integrity, a well-known citizen in this city, who has testified to a transaction which happened three years after this matter at Chicopee and Maine—a transaction which was known to nobody—but when this homicide happened, it came to his recollection. Why? Because Mr. Judson Canfield is a man of intelligence. That is the reason. He saw the connection of the fact which occurred in 1850 with this homicide; and as an honest and humane man, communicated it to you here. But, gentlemen, that is not all. It so happens that there is a little other proof on this subject, and, what is more, this proof is derived from the State's witness. Mr. Hezekiah Gorham, who was introduced by the State, to prove that this man was a sane man, cuts the throat of this prosecution by his testimony. [Mr. CHAPMAN here read from Mr. Gorham's testimony in relation to the conduct of the prisoner at the same time.]

This happened in 1850. It did not occur in view of this transaction in 1855; it is not made up; it is not even dependent upon the testimony of our own witnesses; but upon two respectable gentlemen living in different parts of the town. They had no conversation with one another. The testimony of these witnesses relates to two distinct transactions. Now, gentlemen, Mr. Gorham, as we said to you, was a prudent man. He called a witness. It would have been prudent to have done it under any circumstances. But, gentlemen, he saw the condition of Willard's mind. He did not know what sort of conceptions Willard had about that money; Willard might have claimed that it was \$1,000, or \$500; therefore Mr. Gorham was prudent in calling a witness to see what was the amount—highly evidential of what his impression was on that occasion, and that it was what he subsequently says it was on other and different occasions.

This brings me to the first acquaintance of my client with Henrietta Bogart, which took place, as nearly as we have been able to ascertain, some time before 1850. It ripened into an engagement of marriage in the summer of 1852. It seems, gentlemen, that Henrietta Bogart passed the prisoner's store daily on her way to school; that she sometimes went to the store of the prisoner on errands for the family, who lived in the immediate vicinity. He sometimes called her in as she was going by, and would make her little presents; by and by he began, somewhere about the 4th of July, 1852, to visit her with regularity; and from that time forward to quite a late date, as often as twice a week, one night of each week being the Sabbath. In the summer of 1852, as I have said, they entered into an engagement of marriage. It was a matter of conversation with the mother, to whom he spoke of liking her manner and appearance. He conceived the idea that she was not quite like any other girl—a little more elevated—a little more proud—a little more dignified—a little less willing

to be played with. She shrank from him, always, as he approached her, for which he professed to admire her. In short, gentlemen, he had conceived that the girl, who was less than fourteen years of age, was endowed with superior intellect, had unusual charms and graces, and she inspired him with an attachment of a peculiar character—one which he looked upon as being as elevated as the object of his devotion. He continued to visit there after this engagement of 1852, which happened, according to the best account we can get of it, after a journey to Waterbury, where he went to return with this idol of his affections. This engagement was entered into, and these visits, as I said, were continued all along, up to the time of breaking off this engagement, on the 1st of January, 1854. Under these circumstances, in a different case from this, I might speak of the character of this acquaintance, of the manner in which this prisoner has been treated by that family; but I forbear to do that. They are afflicted; and I do not desire to say anything to wound their feelings in any particular. They are here as witnesses, they are here as part of the audience, as we are formally notified by the Attorney, giving heed to what is said on one side and on the other. I might doubt the taste which should lead them to continue here until the entire discussion is closed. They have suffered, we all know; but how much that man, my client, has suffered, gentlemen, you never can know, because no testimony can disclose it.

You noticed (for we are going along, step by step, meaning to clear up this ground) when we commenced the cross-examination of Mrs. Bogart, the interruption of the Attorney, and the decision of the Court in regard to it; so, too, in regard to the cross-examination of Henrietta; but you see, gentlemen, and have seen long since, what was the character and object of that cross-examination. It was to show a set of facts that were not susceptible of proof from any other quarter. We wished to show the terms they were on with the accused—the way they treated, and the manner in which they rejected him, and gave evidence of their disgust for and dislike to him; for although all this had been told for another purpose to the physicians by the prisoner, yet whether it was true or not, would not appear, unless we could call out some one who had seen, and who is a competent witness as to what the real facts were. Hence, gentlemen, we have called out from Mrs. Bogart on that cross-examination, and from her daughter, all the material facts which go to make up the basis of this statement which we have laid before you to-day.

That she gave evidence, from her conduct, of her dislike to the prisoner, which would have been particularly satisfactory to a sane mind, is certain. She did this in a variety of modes, which I cannot stop here to enumerate, the details of which are spoken of by her mother, and by her. She told him that she did not love him, and that she could not marry him. Her mother told him so, again and again; and she says to you, that nothing was more certain than that after May, 1853, if this girl ever had any attachment for him, it was gone, as was apparent to everybody. Her mother fully understood the state of her feelings, and

the evidence shows that Mrs. Wight dismissed Clark in 1854. She signed a written dismissal, which the counsel on the other side say was drawn up by the prisoner. Let that be as it may, he did not speak of this written dismissal as if he believed the girl did not love him. If there is anything in this case that serves to show that this man's mind was perverted, it is that continued belief that she did love him ; and he determined to marry her, notwithstanding he entertained certain suspicions mentioned by Mrs. Bogart. He followed her up, followed her up even after she was married ; and yet, gentlemen, they say the dismissal was by his procurement. So it was ; but the prisoner did not desire to break off the engagement, although it is obvious that she did. That he should want a written dismissal, gentlemen, is past your comprehension and mine. The difficulty is, that the Attorney is attempting to bring a matter of insanity to a sane standard, as if the conduct of an insane man should be satisfactory to a sane mind. She dismissed him in January, 1854, and immediately accepted Wight as suitor, who continued his attentions until the succeeding March. In that month Wight discontinued his visits. I need not speak particularly of the reason which my client supposed to have induced that discontinuance of his visits. It has been disclosed. The mother disclosed it. She says that the prisoner told her that Wight had seduced her daughter ; but, nevertheless, he was willing to marry her for the sake of her reputation. She says that in certain writings spoken of as shown to her, he re-asserted the same thing. But, as I was saying, Wight left her in the month of March. He did not call there again until the month of October. Meantime, gentlemen, Willard Clark was following on : the written dismissal made no difference. He repeated and continued his visits to this family ; and soon after Wight had left her, he proposed to give to her a melodeon, which cost him about one hundred and twenty-five dollars, and to procure for her a musical instructor ; which he did. The mother told him her daughter never could be anything to him, and he had better not do it ; but he insisted upon it. He then procured a musical teacher to instruct her. But what did she do ? She refused to learn. She treated him and his proffered aid with entire contempt. All along through the summer, when appointments were made to have some playing on this and other instruments at the house, she would absent herself. In the autumn, Wight returned again ; and they both continued from that time forward to pay visits to this young woman. My client continued his visits, notwithstanding the opinion which he had expressed both to the mother and daughter, and which no man doubts he entertained. On the 12th of March, 1855, the succeeding spring, Wight married this woman ; and on the 19th of March, one week after, the defendant left for Chicopee—not knowing whither he should go ; and announcing to no one what his intentions were. He left in a cold, boisterous season of the year, and took no overcoat or cloak with him. He was absent during a greater part of the week. Now, you will find in these depositions, which I have told you I should not speak of in detail, an account of his appearance in Chicopee on this occasion, what he said, and what

he did. It seems, gentlemen, that a wound which had healed was opened anew; and the same scenes were enacted on this occasion at Chicopee, in 1855, which had been enacted in 1847. The physicians tell you, that where an attachment has been once entertained, where the hopes of a man or woman have been defeated, and the mind has been injuriously affected by it, a repetition of similar causes is much more likely to produce a disastrous effect. Every one could understand that, without the testimony of an expert, from his own observation of the world.

Without going into that testimony as to the particulars of his conduct, I shall only say, gentlemen, that it was strongly evidential of a diseased mind in this prisoner. This is perfectly manifest from uncontradicted testimony. That testimony is in writing, you can examine it. I leave that matter, and shall follow the evidence down to the commission of the homicide. Here I wish to take up and consider with some little particularity, the evidence, in regard to the conduct of this man, for several months next preceding the commission of the act, for which he is indicted. This homicide having been committed on the 28th of April, I shall look back from that date through that winter, for the testimony in regard to the condition of his mind, down to the pulling of the trigger of the pistol. And I shall not stop there. I shall follow it down to a later date; and if I cannot satisfy every sane mind of the insanity of the prisoner, then I shall despair of accomplishing such a result upon human testimony. I desire to examine this testimony by itself; and to do that, if it is consistent with the convenience of the Court, in the afternoon.

COURT adjourned.

*Wednesday Afternoon, September 26th.*

COURT opened at 2 o'clock.

Mr. CHAPMAN resumed his argument, as follows:

When the Court adjourned this morning, I was about to enter upon an examination of evidence, derived from witnesses who have been sworn in Court, and who have testified in your hearing, in regard to the mental condition of the prisoner, during the last fall, winter and spring, down to the time of the commission of this offense. In order, gentlemen, to do this, clearly, so that no mistake shall intervene, it becomes necessary to look through the proof with some care, and see what the witnesses have testified one by one; the time when they noticed certain indications, and how often, and the circumstances under which they noticed them. In this way, gentlemen, we cannot fail to arrive at a just result, touching the amount of that testimony, and its reliability; for upon it your verdict will, in a great degree, depend. And for the still more perfect understanding of this testimony it will also be necessary to look at the testimony which is adduced on the other side, which they dignify with the name of rebutting testimony. I shall show you, gentlemen, that this is a misnomer. I shall show you, that it has no sort of rele-

vancy to the matter in hand; that it proves nothing; that it does not assume to prove anything; and that it is entirely consistent with everything we have proved, and everything we claim; and in this particular, gentlemen, I trust I shall not fail.

I had occasion, this morning, in speaking incidentally of the testimony of Mrs. Bogart and of Mrs. Wight, to refer to the cross-examination of these witnesses, as establishing one great fact. And in that great fact consists, in a good degree, the delusion which we say operated upon and controlled the mind of this man. I pointed out to you the importance of this cross-examination, which had elicited certain facts, which facts correspond in all important particulars, with the details given by the prisoner to the physicians, and which constitute, in a great degree, the foundation upon which the physicians built their theory. Now, Mrs. Bogart testified that she knew Clark seven years ago; that his acquaintance with her daughter began to assume a serious character in 1852; that he knew the daughter from a school girl, at his place of business; that she occasionally went there—occasionally called in—but the fact that he was attached to her was first communicated to her in July, 1852. He called there, as is stated, and his regular visits began on the 4th of July. He did not avow his purpose. He called on Sunday evening. She knew he was attached to Henrietta, and that in the summer of 1852 he proposed marriage to her; that they were engaged, and his visits continued till 1854. He sometimes came there several times a week. The engagement was no sooner entered into than it was communicated to her mother. Indeed, according to the testimony of the daughter, she took her mother's advice before the engagement, and after their return from Waterbury, in the summer of 1852. He told her parents that if he attempted to go towards her, she would go out of the room, and he liked her for that. He spoke of his attachment for her, and her attachment to him. Mr. Wight lived in the same house, with another family, in 1852 and occasionally waited upon Henrietta. The engagement was broken off on the first of January, 1854. She says he was informed of her determination on that night. She (Mrs. Bogart) went into a room, upon his asking to see her—and he asked her, gentlemen—(and I ask you to note this)—whether she (Mrs. Bogart) had anything to do with breaking up the engagement. The gentlemen on the other side say it was done in pursuance of his request. I say in reply to that, that the evidence shows that he did not desire it to be broken up. He did not desire it then, he did not desire it afterwards. Hence, you find he asked the mother, not doubting the attachment of the girl, whether she had any hand in breaking it up, and how much hand she had in it. He was suspicious of her. He asked her if she had done anything to influence Henrietta, and she denied it. She says she was first informed of the real state of things in July, 1852. Yet, she tells you all along, (although the facts were elicited with difficulty, and I wearied you in drawing them out,) that her daughter had repeatedly informed him that she had no attachment for him. The girl said to him, "I don't want you. I won't marry you." Then she says, she had appeared to like him pretty well, until

May, 1853. Then it became apparent that her attachment for him ceased. She told him frequently that she did not love him. Mrs. Bogart says: "I spoke to him about it. I told him I did not think she liked him. I told him the time had been when she liked him; but she was as capable of hating him then, as she ever was of loving him, *if she ever did.*" That is the language—"if she ever did." She says: "I have several times told him the same thing." She says he told her in the summer of 1853, that he had told Mrs. Parmalee in regard to his courtship, and that Mrs. Parmalee advised him to be married, and he insisted upon being married, in pursuance of that advice. The daughter said: "If you won't wait, I won't marry you at all." Then (according to Mrs. Bogart) Clark said, if she had determined not to marry him, he would thank her for a written dismissal, which she gave him. She afterwards denied herself, frequently, to him; went away, up stairs, when he came, and was disinclined to converse. He talked to her, and she said she did not like him. He asked occasionally if Wight called there, and she told him he called as an acquaintance. Mrs. Bogart did not know when Wight and her daughter were first engaged, but says the prisoner came to their house in March, soon after Wight left, as you know he did, continuing his absence until October. She says Clark asked her if Henrietta would not like a melodeon; and she replied that the girl could not take one of him, it would make talk; she was nothing to him. He said he wished to be as a brother or friend. She denies that he said he wanted to be her protector. It is not important whether he did or not; a brother or a friend would be a protector. He had presented her with a melodeon, a bracelet, and other things. These were all sent back when the engagement was broken off, in January. He solicited her (Mrs. Bogart) to induce her daughter to re-engage herself; perhaps he did it more than once. But there was a little hesitancy about communicating this. He did insist that she loved him. He told her he could not see why she did not love him. He expressed this belief, to Mrs. Bogart, that Henrietta loved him, in repeated instances. Whether he expressed it to her or not, her mother did not know, but she (Henrietta) swears he did, and that he told her she *did* love him, and *must love him*.

In May, 1854, the melodeon was returned to the house, and it remained there up to the time of this homicide. Clark had been desired and requested to remove it; but he wanted her to take lessons on it, and to send her to a dancing school. Times were appointed to come up and play upon it, but she went away. He said to her mother that he thought it was strange and mysterious that she should go away. On one occasion he asked the mother if Henrietta was to be married to Wight. She told him she did not know as it was anything to him—"did not know as it was anything to him." What were his views about that? Take her story. She says: "He said he thought it *was* something to him. But I told him," she says, "she would not marry him," to which she does not remember that he made any reply. Now he continued to visit the house up to the time of the marriage, and to do so several times a week. But after the marriage—what? *Did he change?* Did

he omit his visits? Did he avow any change in his attachment for her? Did he not follow her with the same object he had in view all along? After the marriage he said he wished to be considered a friend in the family; he wished to be as friendly as ever towards her; he wished to be considered her brother or friend. Nothing daunted, pursuing as before, and avowing the same purposes, the same sentiments, he continues his visits. He says another thing to her, as she swears, in this connection—that Wight and the girl were living together *improperly*. Did he not say so? She says he did. And she says she does not recollect what reason he gave, but he said it in words—said it in a written communication which he handed to her—said it in a certain paper which she describes as “a sermon of a religious character.” He said to her he did not think Wight cared anything for Henrietta, that he married her to prevent her having him. He insisted that it was an improper marriage. I will give you the testimony, gentlemen, as it is: “That it was an improper marriage; that Wight did not love Henrietta; that she did not love him; that he married her to victimize her; that he married her to remove her from the protection of her parents, and from his protection; that he married her to debauch her”—*married her to debauch her*. All this he claimed, over and over, and over again. He said she never ought to be permitted to leave the house they were proposing to remove from that night. He remonstrated. He said Wight was not capable of appreciating her. Mrs. Bogart told him that Henrietta could come home at any time, but he said he did not know about that; he had some other views on that subject. He said she was young, and ought not to go away from her mother, and ought to remain under her mother’s care. He said again, Wight intended to make a concubine of her. In the afternoon of the day, when this removal was about to take place, he said he wanted to see the family together—he wanted to talk it over. Now, gentlemen, what was the purpose of that? Have you any doubt about it? Do you doubt that he wanted the family together, that he might expose what he regarded as the rascality of Wight? You see, gentlemen, he breathes that sentiment to her mother, on every convenient occasion, constantly. It is the theme of his thoughts, by day and by night. I say she says, “he wanted to see the family together, for he persisted in asserting that Wight had treated her ill.” He said, after what he supposed had transpired, and what I have referred to already, that it would never make any difference with him. He made strong intimations to her that Wight was not any too good to seduce the girl.

Well, gentlemen, that is enough for my purpose, in relation to the testimony of this woman. I have wearied you already by reciting to you what you remembered before, and much more in detail.

You know, gentlemen, that Mrs. Wight, in her testimony, corroborates, in a great degree, the testimony of her mother. She gives a similar account. I examined both of these women tenderly, because they were peculiarly situated here; although I discovered a little unwillingness, on their part, to tell everything as it really was. I was ready to pardon much, having regard to their situations; but, wishing to probe

this matter to the bottom, I have done all which I deemed necessary under their circumstances. This young woman gives an account of her early acquaintance with Clark; of its continuance all along; and she says that at Waterbury, or on the way home, in 1852, she does not seem to locate it exactly, he proposed to talk to her on the subject of marriage; but she declined to talk, and does not recollect what he said. But she knows that in the course of the summer he asked her to marry him. She asked her mother, and the engagement was entered into, which was ultimately broken off. She says she did tell him, "I had no affection for him; but I cannot precisely tell when it was. I did not tell him that I never had, but I did frequently tell him that I did not like him. He insisted that I did love him." She says she had determined to break off this engagement long before it was broken off, and had intimated as much to him. Now, gentlemen, I have adverted to this more particularly this second time, in this place, as the preferable one, before I should proceed to speak of the other evidence which has accumulated during the last three months. I will now refer to that testimony.

As to the testimony from Massachusetts and Maine, I have said all that it is my purpose to say. I come now to the witnesses who have been examined on the stand. Touching the matter of the prisoner's character, I need only say that not the depositions alone, but the witnesses who have appeared here before you, testify, with one voice, to the excellence of his character. On this point there is no contradiction, and no attempt at contradiction. Therefore I pass over the testimony of Mr. Cooper, Dr. Croswell, and others on that subject.

I will now call your attention to the testimony of Lucy Dewey, the prisoner's sister.

Gentlemen, I have been a good while in the practice of my profession, and I have learned to bear much and rarely to be surprised at what may be said in the course of a trial by the counsel on the other side. But I must confess, I was not prepared for the suggestions which have fallen from the counsel in regard to Lucy Dewey. True, she is the prisoner's sister. And kind, gentlemen, has she been to him; kind to him in his weakness, kind to him in his misfortune. She has clung to him through all his sufferings, and she clings to him now. But, gentlemen, it is more than intimated, more especially by the opening counsel, that Lucy Dewey is not an honest witness. Not in so many words has it been said, but a criticism upon her testimony has been attempted, for the purpose of disparaging it, and showing that it cannot be true. If that which she says was true, they say, she would have written to her friends, and applied to the Court of Probate for a conservator, and everything else would have been done according to the forms of law. According to the views of the counsel, Mrs. Dewey, if she was indeed an honest woman, would have sought out some lawyer and caused an application to be made to the Court of Probate, and had an inquiry instituted as to whether her brother was not insane, and had a conservator appointed over him;—then, in the opinion of the counsel, there would have been some evidence that she was sincere.

You have seen this widowed sister of the prisoner. She has testified before you; and it is for you to say whether you have ever seen in your acquaintance with trials, more perfect simplicity, more entire willingness to tell everything she knew—whether you have ever seen an instance where a witness seemed less inclined to withhold that which was true, or to tell that which was doubtful or untrue. Gentlemen, I wish not to consume your time or my own strength in pronouncing an eulogy upon Mrs. Dewey. She has testified at large and has been critically cross-examined, and you have seen and heard her. That is enough for my purpose. She swears to a set of facts which speak “trumpet-tongued” upon the great question in this case. They will find a response in the bosom of every intelligent individual who has heard the story. There is nothing made up, there is no art, there is no concealment. She tells you of the time when this brother left the employment of Mr. Parmalee, purchased out the goods, and commenced business on his own account in the store. And how was it then? Gentlemen, from that time to the present he has boarded himself. When he has not had her aid, he has provided for himself: has done the cooking and washing for himself, and every kind of house-work which was required to be done. She was a nurse; going out as such as she could find opportunity, into different families, for the purpose of supporting herself. She speaks herself of having been with him for several months immediately preceding the homicide, with occasional short absences, and she describes him as being very melancholy during that time. She mentioned a variety of times when he was shedding tears. Gentlemen, tears are said to belong to woman. They gush from their eyes sometimes upon slight occasions; but it is no slight thing that would bring tears to your eyes or to mine. We live in the world; we are engaged in the great battle of the world, and our hearts are proof against many things that would make a woman weep. But you find in regard to this man, that from the time his sister speaks of, down to the time of the homicide, he wept bitterly; not merely bitterly, gentlemen, but continuously for hours; and not merely continuously, but convulsively. His heart was broken, gentlemen; and every man that has heard this testimony believes it. Now she says, through all the time she was with him he had these paroxysms of grief, when he cried and sobbed like a child. She noticed it particularly in January, '55; she says he staid up stairs then, and lay upon the sofa in the front room during all that month and down to the time of the homicide—that with but few exceptions he slept on the sofa in that room, without taking his clothes off. In January, February, March, and in the early part of April, he lay at night upon that sofa, with the clothes on that he wore from day to day. He refused to go to bed, except on two or three occasions, when he did yield to the solicitations of his kind sister and went to his bed. Now, gentlemen, do you see anything in this? Is there anything unusual, strange and unaccountable? It would seem to me there was something here which should be accounted for. But there has been no attempt made here on this trial to assign a reason for this conduct, or in any way to explain it. Why has not this been done? The answer is a ready

one, and it is because no explanation can be given which does not favor this defense. If there were any other you would hear it. It is a part of this defense. It is consistent with all the other facts which are proved here. She asked him how he came to do this, and he said there was no use in going to bed, for there was no sleep for him. In that way he spent his nights from January to about the 20th of April. This sister went away about a week before the homicide, and she tells you she was distressed. Do you doubt what she says? She can relate to you but part of what she saw. She was apprehensive he would commit suicide. She told him she hoped he would not. What did he say in reply?—he did not know but he should, and burst out into loud crying, and left the room. On the 17th of March he exhibited an appearance which alarmed her more than she had been alarmed before. He asked if when people died they did not put black cloth on the table—a pretty strange question to put, when not explained. She asked him if he expected to die? Now, gentlemen, what did he do? Why, he laughed, gentlemen, laughed as the witness has described his laugh, looked silly, and went away. She says she never saw that laugh before. After that it was frequent; "it increased," as she expresses it. She describes him as walking the room and crying, on the Sunday before he went to Chicopee. She told him he was not capable of taking care of his business, and proposed to write to Illinois to his brother to come on, but did not. He told her he should not probably live long. He cried much on the morning when he went to Chicopee. She asked him where he was going. He looked wild; did not think he should go farther than Boston. She advised him to take his overcoat, but he did not do it. When he came back he exhibited this wild appearance. She asked him whether he felt better; and he said he did not.

On one occasion, after he came back, he went away, and was gone about two hours. When he returned he came up stairs, and said: "I can't stay here." He cried, cried convulsively; his heart was broken; and he looked wild. He said to that dear sister of his, "Lucy, sit down, I want to talk with you." He then asked her, "would it make any difference with you, if I go away?" She said, "No, go, and get into business, somewhere." "He asked if I cried about his going away, and I told him no; but I cried because I was anxious." She says he seemed to have no pride about him; he had no good clothes, and he had need of them. She asked him why he did not dress himself; she says he looked at himself and laughed, and said he did not think he should live long. She asked him why he talked so, and if he was prepared to die; but he made no reply. She found him crying again, on another occasion; she asked him why he cried, why he felt so bad about this girl. Gentlemen, mark the answer—he did not cry for himself alone. He said that *the girl felt worse than he did*. There you have the thought which haunted him all the time—he said she felt worse than he did, but she could conceal her feelings better than he could, she was too proud to show it. That is the idea he really had in regard to it. She was above ordinary beings, in his opinion and was endowed with powers which

others did not possess. When he said that she was too proud to show it, and felt worse than he did, what said the sister? She said, "Willard, that is not rational." "Sometime in April," she says, "he was walking and crying. I asked him how he could feel so." He asked her in regard to her boy; how she would feel if her boy had been put out to somebody who would be tyrannical over him. He complained of his head. You find this true on several occasions; when he did not complain in words, he used another kind of language, not less expressive, and pressed his head with his hand, and exhibited signs of distress. He complained of his head frequently, complained of it in April, several times; held his forehead in his hands,—the difficulty in his head grew upon him. She asked him if he did not wish to live. He said he did not know what he should wish to live for. She speaks of another occasion in which she says he lay on the sofa, and rolled his head about. Mrs. Collins speaks of the same transaction. Mrs. Collins asked him what ailed him. He said they were trying to roast him. Now, gentlemen, there is no pretense that there was any heat in that room, except what was in that man's brain. There was a small fire upon the hearth; it was a raw day; but he burst out by way of explanation of his conduct, and of his rolling about on that sofa, exhibiting signs of distress, that they were roasting him. Gentlemen, I cannot add to the force of that by anything I can say about it. He spent much of his time up stairs, walking the room and crying. He, on one occasion, came up stairs, apparently for the purpose of conversation, and then asked her if she didn't know that he knew more than anybody else. He said no more. He went immediately down, and the next time he came up, she asked him what he meant. She says he did not say anything, but he laughed with that silly laugh that the witness described to you, and which she says was common with him, after a certain period. She says on cross-examination, that she has had no conversation with the prisoner in regard to any of these occasions.

The next witness is William Hull, who had a business transaction with him, two weeks and two days before the homicide. He declares that Clark seemed strange, seemed lost, and did not seem to know which way to go. He spoke of it at the time. On cross-examination, he said that Clark's manner was very different from usual. He thought of it afterwards. Never knew anything against him.

*Mrs. Mary Collins* was the next witness. I have already referred to her, because of her account of the interview which took place in the early part of March. She remembers his countenance looked flushed about the middle of the month of March. He was walking in the store and was crying; had his hat on; saw him a number of times in March, when he seemed to have been crying. He appeared some months before this, to be desponding and fitful. He had a peculiar laugh during this period; never had seen this laugh before; saw it frequently; it was quite usual in the latter part of the time.

*Mr. Frederick P. Gorham* says he knew him several years. He seemed strange last spring; did not seem to care about custom, and be-

haved in such a manner about a week before this occurrence that he determined not to go there again. He spoke to Clark of being there late in the morning, and Clark looked at the witness, severely ; seemed wild and lost ; did not understand ; made replies foreign to the subject in hand.

*Mr. A. C. Chamberlain* knew him for two or three years ; called upon him in regard to a sofa ; he says, "I called for my pay ; his manner was peculiar ; his face was very white ; he took out his money strangely, and it attracted my attention. At another time, I called there to purchase something ; he went into his office and stood still, doing nothing for a time ; I went to him, and then he seemed to recollect, and said, 'Oh, I will get it for you.'"

*Mr. John F. Chatterton* saw the defendant on the last of March. He made enquiries if the other tenement of the building was to rent. You remember what transpired without my reading it. You know that he made no reply ; that Chatterton called his attention to it again, and then he made no reply ; and a third time, and he made no reply, except saying "over to West Bridge." He asked him another question, which he treated in the same manner ; repeated the question, but he made no answer ; and seemed lost.

*Mrs. Ann Hull* had known him ever since he had been in business in this city, and formerly traded considerably with him, but less, latterly ; did not like latterly to trade with him, because when she asked him questions, he made no answer ; he was entirely changed in his appearance. On the 17th of November, she changed her place of trade. He appeared strange ; she noticed the silly laugh, which was painful to her.

*Mrs. Lydia Sellidge* speaks of an occurrence a few weeks before the transaction. She went into the store and made a purchase ; he got her what she wanted, and she gave him some money ; he put it in the drawer, and stood and looked at her ; she asked him for her change, and he asked her if she had paid him ; he did not know he had been paid. She says he did not know what he was about half the time. She noticed several times when she went in, these peculiarities. A few months before this she says there was a change. All these witnesses speak of a change, such as that spoken of by the physicians—a change in his appearance, which she cannot describe. She mentions it to her daughter and sister at different times.

*Philo Terrill* had known the defendant some years. Says that Clark on one occasion passed into the store when he was waiting on customers, just previous to the homicide. He (Terrill) remarked, "Willard, you have lost your girl, it seems. He nodded, looked up, with glassy eyes, said nothing, but looked wild. I mentioned it to my wife." These are telling facts, gentlemen, as to the appearance of Willard Clark—things that men notice and go home and tell their wives about, and women notice and go home and communicate to their husbands. These are not made up. They are actual occurrences ; occurrences which attracted attention at the time, and were spoken of at the time.

*Mariner Beecher* saw the defendant often in the winter and spring be-

fore the occurrence. Noticed that he was absent-minded. In October he went into the store and inquired for Walter Barnett; Clark gazed at him; he repeated the inquiry, but Clark made no answer, but gazed at him; he started to go, and then Clark seemed to wake up on a sudden. On cross-examination he said he noticed Clark's absent-mindedness at different times from October to April.

*Mrs. Mary Woodward* noticed last winter that he was unusually abstracted; would play on a musical instrument when there were customers waiting; this happened several times; he played upon it in a back room, while the witness was waiting in a front room or store. She has asked for one thing, and he would take it up, lay it down, and take up another thing, and finally she called his attention to the thing that she wanted, and he sometimes got it. This was no unusual occurrence. She says the first change she noticed in him was his particular inattention to business. In the spring there was a change—a wildness. Here was the process of incubation spoken of by the books and referred to by the physicians. If this thing was assumed, it is strange that it was going on from time to time, and was being developed day after day. I have called your attention to several instances exhibiting this change of manner. Other instances are not wanting—they were particularly frequent during the latter part of the time. Sometimes his customers waited for him as much as ten minutes, and then they would speak to him again.

I will refer you also to the testimony of Miss Harriett Barber, who says she lived in a house a few doors from defendant's place of business. About the second week in April he came into her yard and asked if her brother had borrowed a gimlet of him within a week or two. She told him no; for her brother had been in the country, and had not been home for a long time. And he asked the question three or four times after she had answered him. He remained looking at her in a fixed manner. He looked melancholy when he first came in. He then laughed, with his silly laugh, and turned away. There was no occasion for the laugh. "He did not seem to take," to use the expression of the witness, "the sense of anything that was said."

*Mrs. Sally B. Carr* speaks of a time three or four weeks before the transaction, when he appeared singular, and seemed to take no notice of her when she spoke. She spoke of his appearance to her sister and to one of her neighbors; talked of not going there; said he acted as if he did not understand his business; seemed flighty, as if something ailed his head; she noticed a change every time she saw him in the spring.

*Mrs. Sarah Potter* says that on one occasion she noticed a change, and particularly about four weeks before the homicide. He was in a back room. She knocked upon the counter, and a young man came out of the room. She asked for Clark, and he called him. He came out a little way, turned back, looked over his shoulder, laughed sillily, and went back again, making no answer to anything. Such a fact alone would have impressed a stranger with the belief that there was something wrong about his mind. When she asked for sugar he would weigh tea, and did not seem to care whether he received money or not. That is

not a difficulty generally with sane men, by any means. He asked her if Jim Gorham kept steady now, which she thought was a strange inquiry, for he knew that Gorham kept steady.

Let us here advert to the testimony of Mrs. Rhoda Parmalee—I shall not recite that testimony to you. It is of considerable length, of great importance in this case, and has not escaped your recollection. Mrs. Parmalee took a kind interest in this young man from the time of his mother's death, in his first fits of gloom, and continued to encourage and advise him, down to the time of this homicide. I know no woman better calculated to do this than she is. She has a clear intellect and a kind heart, and if her testimony has not satisfied the minds of this jury that this man was insane, I may as well sit down. She has testified with great candor, although with becoming feeling, and has detailed all the facts of which she has spoken, with remarkable precision and accuracy. She traces him from the time he was fifteen years of age down to the time of this homicide. She discloses the most unmistakable evidence that his intellect was disordered, that his heart was broken. She tells the reason of the inquiry which she made of him, how he could account for the fact, with the views which he entertained in regard to the feelings of Wight towards this girl, and of the girl towards him, that Wight could have married her—how he could have married her when he hated her. He said that Wight did marry her because he hated her; he married her to torment her. There is a series of facts disclosed by this lady of a similar character, all going to show, and all conclusively proving, what delusion it was that this man labored under. He talked to her confidentially and freely. He told her all the emotions of his heart; told her he hated to come there, it seemed so much like home;—his heart was touched—he cried the entire day, wetting his handkerchief through and through. He walked the room hour after hour, crying in this convulsive way. He spoke to her of the circumstances under which Wight and his wife were living together, that they were living in a state of adultery. When she implored him not to visit Bogart's house, saying, "Willard, do not go there any more," and saying this in a way calculated to impress him, and to dissuade him from going, he replied, "Yes, I will; and I think I shall make it my home there." That was after the marriage.

*James Gallagher* saw him in the store doorway; spoke to him, and he made no reply, but stared at him.

*Samuel Short*, who has known him for fifteen years, noticed in January something strange about him; he seemed to give no kind of an answer; sometimes would not wait on a person; noticed him frequently, and particularly in March.

*Joel B. Bishop* called at his store on the Tuesday before the homicide; called on the morning of the day of the homicide, for the purpose of making a fish stand. He gives the history of that transaction, and what his impressions were. Asked him questions, but got no response.

*Mrs. Anna Janes* called on him on the same morning, and inquired about his cousin, Miss Nichols, and he said he did not know where she was. She told him where she was, the last she knew of her. He said,

"Oh, she is there now; I had forgotten." He seemed to forget what she inquired about. She spoke to him about sending her boy to get little things, in the way of his business, and that she would pay when she should come herself, wanting no credit except that she did not wish to send change by the child. She said he would not have taken pay if she had not called attention to it. She mentioned this to her husband in particular.

*E. P. Willis* saw him about 11 o'clock, on the day in question, leaning against the left side of the door. Clark took no notice of him; told Clark what he wanted, but he made no reply. He looked at him closely, but he seemed to be absent-minded, and he could get nothing out of him. He then turned to Kent, and asked him twice, "Will you have them sent home? Have you a wagon?" He said he would send them home. I told him he did not know where I lived, as he did not, and told him the street and number. I asked him the price, wanting to pay; he said, 'Never mind.' I was a stranger to him."

*Margaret M. Willis* swears that Clark brought her some groceries a little after 11 o'clock on the day of the occurrence; that he looked wild; his eyes looked bad, and as he went away he muttered; ran across the yard, and jumped over two fences into the street, instead of taking the ordinary way.

*Jerome L. Stout* noticed his slighting his business on the 20th of March. "On that day Mr. Finch had an arrival of molasses, and I called to see if Clark did not want a hogshead." He found him with his face in his hands and his head down. He was satisfied that something would go wrong.

*Mrs. Isaac Beers* noticed his appearance and a change in him within a few weeks before the homicide, and observed, on the afternoon of the homicide, his distraction of mind. She relates to you circumstances which she noticed.

*Mortimer Camp* noticed a change two or three weeks before the homicide, and states the reason, and in what the change consisted; saw, on the afternoon of the homicide, a flush upon Clark's face, which he particularly observed, and a tear rolling down his cheek.

I have run over cursorily, and with less particularity than I should have done, were I not occupying too much time, most of the testimony which we have offered, merely referring you to that derived from thirteen depositions from Chicopee, and five from Maine. I believe I may have omitted some of the witnesses. My associate says that I have. But it is not important; we can spare them.

I will now invite your attention to the testimony upon the other side, which they dignify with the name of rebutting evidence; and I do this before I come to the testimony derived from the physicians, and from the transaction itself.

The prosecutor, gentlemen, begins with *Mr. Lee Dunning*. He made the arrest; and all he says about it is, that although he arrested him for the homicide, he did not see but that he appeared as well as ever he did, while he went with him up to the jail.

*Mr. Bryan*, an officer in the prison, sets a pretty good example on subjects of this sort. He does not seek to make himself a witness; he noticed nothing about the prisoner; had no particular conversation, and had never gone into any subject with the prisoner.

*Mr. Charles Beers*, who lived near the prisoner seven or eight years, and was in his store sometimes; he did not see any evidence of insanity, because his attention was not called to it.

*Elisha M. Gorham* had not seen him for a year; saw him the evening before the homicide on a matter of business, but before that time had not seen him for a year.

*Sherman W. Knevals*, gentlemen, did not see him at all until he saw him in prison. There he had some conversation with him on religious subjects, and lent him a book. The prisoner told him that for the purpose of understanding and reading that book he needed Butler's Analogy. That is about the amount of the conversation. His attention was not called to the condition of the prisoner's mind.

*Edward Bryan* does not pretend to say he saw anything about him upon which to form an opinion; saw him occasionally.

This, gentlemen, brings me to the *Reverend J. M. Garfield*, who says he called on the prisoner professionally; but who seems to feel a degree of chagrin that the prisoner did not take any more particular notice of him. The prisoner did not seek his counsel, and would have none of his reproof. The prisoner offended him; for he said the prisoner did not believe in the God that he did. I interrogated him as to whether these visits were professional, and if he intended them for the prisoner's soul's health. He said yes. But on the first interview he discovered that the prisoner was an infidel, and did not believe in the authenticity of the Scriptures. He never discussed the question with him in relation to the existence of a Supreme Being, or the authenticity of the Scriptures, because the prisoner would not have anything to do with the books that he (*Mr. Garfield*) read, and did not believe in his God. He found the prisoner an unbeliever, and yet would not go into an argument with him to convince him of his error. He would have been better employed, in my opinion, in ministering to that congregation which he pays to hear him preach. He was angry because my client would not be counseled by him in religious matters. He did not then visit him for the purpose of giving him religious counsel. He did not attempt to convince him of his error, and to turn him into the right path. No, gentlemen, he went to that prison for no such purpose. He could not condescend to have a conversation with an infidel upon the subject of religion. Whether he was apprehensive that the prisoner would get the better of him in the discussion, I do not know. Gentlemen, if he did not go there for the purpose of doing good to the prisoner—and that he did not is certain—for what purpose did he go? He was angry; he meant to be a witness here; and instead of visiting the prisoner as a clergyman, and doing his honest duty to him as such, he seems to have been a sort of clerical buzzard, hovering about that cell to see if something should not be dropped which he could pick up and bring to this

trial. He has volunteered to testify that which he says he should have regarded as confidential, if the prisoner had treated him differently. Conduct of this sort, gentlemen, would disgrace any member of the congregation to which he preaches. Whether *he* can be degraded by it, is another question. Now of what is it that this man undertakes to satisfy you? Why, that the prisoner was of sound mind. Did Garfield ever converse with him upon the subject upon which we have made proof here? Never. He had a conversation with him in which he says the prisoner remarked that he owed Wight a debt, and had paid it. What of that? Does that militate against, or conflict in any way with what we prove? What is our claim here? Our claim is, gentlemen, that Clark thought the act which he did, a duty—that it was his mission to do it—that he was bound and impelled to do it—that it was right that he should do it. Then what is there in this attempt of Garfield, which conflicts—though he intends it shall—what is there that really conflicts with our position? Gentlemen, there is nothing which purports to contradict our claim in this regard. This attempt is a pitiful failure, although as an exhibition of character it is eminently successful.

*Rev. Mr. Dayton*, who, it seems, is chaplain of the prison, though he did not say he was, has been called by the State to detail some conversations which he has had there, with the prisoner on the Sabbath. Upon one of those conversations, an attempt has been made to induce you to believe that the defendant was a man of intemperate habits. The only testimony which has been offered on that subject, is that which is derived from disclosures made to Mr. Dayton. I will not speak reproachfully of that respectable gentleman, for I believe him to be respectable from his personal appearance; but I may be permitted to say, that I always regret to see a clergyman come into a Court of justice as a witness, in regard to conversations which he has had with prisoners. I do not know, gentlemen, how it strikes you, but I think it does not become this man or his office. I think such communications should be confidential. But this witness says he inquired in relation to suggestions made to him. He says he told Clark that he had understood that empty demijohns had been found in his store; and that the prisoner replied that he had got some liquor before the Maine law went into operation, as I have no doubt a good many men have done, who do not get intoxicated. He did sometimes of a night go to play whist, with some friends, when he took a bottle of liquor in his pocket. That is what he said, but of the fact that he drank a drop of spirituous liquors from the day he was born to the present time, there is not one particle of proof. If he was an intemperate man, and addicted to drinking intoxicating liquors, they could have undoubtedly proved it. It is easily and exceedingly convenient to declaim upon a supposed state of facts not proved in Court, but the proof of such facts by witnesses is often found to be more difficult. What witness is it that swears that this man ever drank a drop of intoxicating liquor during his natural life? I ask you, gentlemen, if such claims are fair? I suppose some of you are temperance men; but is it to be supposed that suggestions of this sort, unaccompanied by proof, can have any influence with you? I

know they cannot, for if they could you would be unfit for a place in those seats whose occupants are sworn to render their verdict upon the evidence given them in Court. Are you to believe, in the absence of proof, that the prisoner was addicted to intemperate habits? The whole current of proof on this subject, derived from every witness who has spoken in regard to him, is, that he was a man of estimable and pure character. That is enough, gentlemen, for me. When the gentleman says that drunkenness accounts for the glassy eye, the wild look, the flushed face, I say, first prove the drunkenness, and then you may comment upon it to any extent you please.

*Jacob Gould* is the next witness. He had seen him only occasionally for the last year and a half; noticed no change in him, in particular.

*Alfred Weld* saw him on the Sabbath after the arrest, in his class. Mr. Weld is a Sabbath school-teacher, and conversed with the prisoner on topics connected with the lesson.

*Charles Harris* says he had always known him from a boy. On the day before the homicide, he did not appear as usual; did not seem to know whether he wanted anything or not; noticed his appearance particularly, but did not speak of it.

*John Esma*, who works for Harris, saw him, but saw nothing peculiar; had conversation with him.

*Mrs. Charles Beers* saw him occasionally, but had never noticed any change.

*Henry Lampson* had known Clark about five years; had joked with him on the subject of marriage, in January last.

*Lockwook Lake* had known Clark five years; had lived in the same house with him, but had seen him but once or twice in eighteen months. The less a man has seen him, the more likely he is to be called. He had not noticed any change.

*Henry Thompson* had known him five or six years; had not seen him for the last two years.

*R. A. Strickland* had seen him occasionally for the last three or four years; might have been in four or six times in the last fall and winter; his attention had not been attracted to any change in his personal appearance.

*Joseph W. Hammond* had business transactions with him; his store was not his regular place of trading; he went there very rarely, and noticed no change.

*Samuel W. Davis* traded with him some; had not noticed any change. None of these witnesses relate any conversation.

*Isaac W. Judd* traded with him formerly, but had not seen him for two or three years.

*Henry S. Mandeville* had known him for five years; noticed no peculiarities that attracted his attention.

*David W. Buckingham* had done business with him, but knows nothing about him particularly, any way.

*William F. Hendricks* had known him since the spring of 1852; had noticed no particular change.

Then Mr. Hezekiah Gorham, who is their witness, and is an observing man, says, that for the six or eight weeks before the homicide, there seemed to be something the matter with the prisoner; he spoke to him about it; says he seemed to be, what they called in old times, love cracked.

That, gentlemen, is all the testimony offered on the part of the State, to prove that this man was of sane mind. Here are witnesses that have not seen the prisoner for two and three years. None have had their attention directed to him. Few relate any conversation with him; all they say is that they did not notice that he was deranged. Can you tell me, gentlemen, (addressing the counsel for the prosecution,) what this testimony of yours proves? Among the thirty and more witnesses, whom the State call, does any one here deny any fact that any witness of ours has stated? No. Then what does it amount to? It is purely negative testimony, and can have no effect. The counsel must have reasoned in somewhat the same way that an individual did, on a certain occasion, who was charged with theft, and thought he could get clear. His counsel said to him, "according to your story, two persons will swear they saw you do it; how are you to get along with that?" "Why," replied the accused, "I can bring a great many more, who will swear they did not see it." That, gentlemen, is an appropriate illustration, if we may indulge in one that excites a smile in such a case as this. The testimony of the prosecution contradicts nothing which we had previously proved. Nothing. In itself it is negative, entirely consistent with our claim. The Attorney for this Commonwealth, and his associate, upon the faith of this testimony, ask twelve intelligent men to find a verdict of murder against this prisoner! Gentlemen, it is an imputation upon your intelligence, and upon your integrity. I mean that precisely.

I come down now, gentlemen, to the transaction itself; and if I stood here to-day, with no other testimony on earth, to sustain me in defending this prisoner, I should appeal to you with no small degree of confidence on the question relating to the state of the prisoner's mind, having reference to the transaction alone. I say, gentlemen, there is in that transaction, pregnant evidence of insanity.

We find that on the 28th of April, the prisoner called on a man, who testified here, Mr. Beers, for a pistol, powder and ball; he called on another man for caps, and said he wanted to kill a starved cat. I suppose in truth, that was his original purpose, but on that subject there is no proof. On the forenoon of that day, he went down to Mr. Bogart's, and there he had an interview with Mrs. Bogart. He inquired relative to what was about to be done in the matter of the removal of her daughter from her house. He wished to see the family. He took no pistol with him. In the afternoon she requested him not to come again. Why did she request him not to come again? Did she see anything about him that did not look right? What think you about that? It would hardly be expected that she would say she did. But he did go again at evening. He went into the house, sat down behind the door, and did not say a word except "good evening, Mrs. Bogart." When Mrs. Bogart, Mr. and Mrs. Wight went into the front room, he walked

behind them and did not say a word there, but walked backwards and forwards. When Wight stooped to tie up a bundle he shot him with his pistol, and then what? Did he run? No. Did he hide? No. Did he deny that he had done it? No. He returned immediately at the ordinary gait, to the place where he borrowed the pistol and handed it back. He was asked whether he had killed the cat. He said he had killed a two-legged cat. The little girl said, "I bet it's a man," and he said, "You will hear all about it in the papers, in the morning." He then went on to his store. Soon after Mr. Dunning came down and told him what he had heard, and asked him why he did it; told him he must go with him. He took his money out of his pocket; gave it to the young man in the store, and walked with Dunning to prison, where he has been confined ever since.

Now, gentlemen, we hear and read of homicides committed by men with malice aforethought, for which the perpetrators are punished. Some of them are committed in the flush of passion, as in case of an affray, where there is a sudden excitement, and no premeditated purpose. Killing then constitutes manslaughter—not being justified unless when done in self-defense. We hear of murders committed in the night season by the hands of men whom we know not; unless justice follows them and they are perhaps detected. It is said "murder will out." They are brought to trial and convicted. We hear of murders by poison administered to men in a variety of ways. In all these cases, gentlemen, there is an attempt at concealment. As a general rule murders are not committed where a man committing it does not expect to escape. Now whenever a man commits a crime purposely, he does not commit it with the expectation of punishment. He believes he shall escape punishment; that no man saw it, and hence no man can trace it. He thinks he has so artfully contrived the surroundings that he cannot be found out. This is what every man thinks when he commits a crime, for he would not commit it if he thought he should be detected and punished. Is there any attempt at deception, any denial, any concealment here? If my client had been in the exercise of a sound understanding, and had intended to take the life of this man, would he not have done it with a view to escape, by killing him when there was nobody present, and in such a manner as that he could persuade himself that he should escape suspicion, conviction and punishment? I put it to you, gentlemen, as intelligent men, whether I am not right about this? But here there is no concealment, there is no denial, there is no pretense that the act was not done by him. I ask you to mark the coolness with which it was done. You will find in almost every instance among the numerous cases cited where insanity has been the successful defense, that the individual committing the crime charged upon him has the same coolness, the same frankness in admitting the fact charged upon him. But, gentlemen, they say that this was maliciously done, and done by a man in the exercise of his sound reason; and they say he said to this Mr. Garfield and to Dr. Hubbard that he had had his revenge. Revenge never has been

shown in association with this delusion; it does not comport with it. There is no evidence of revenge forming a part of it.

I ask your attention to a little fact which Garfield lets out, and that is what he told on the direct examination. It is that the prisoner began to complain about not having a newspaper allowed him. He was put into jail on Saturday evening; Garfield was there bright and early on Monday morning. I believe, according to usage in this city, there is no Sunday paper; the deprivation therefore had not been very long, and yet Garfield saw fit to try to take advantage of that. What does he say? What was the occasion of the prisoner's anxiety? Mr. Gunn says the prisoner asked him what was public sentiment, and what was Mr. Gunn's reply? Why, that the public sentiment required that "he should be strung up, and that was his opinion." I should like to have him inquire what public sentiment is now, after the evidence, and what public sentiment is about the man who volunteered to testify to this coarse and unfeeling remark.

Now, gentlemen, this is no unimportant branch of this case. Why was there anxiety in this man's mind on the subject of public sentiment as to his having taken the life of Wight? He made no pretense of insanity. He did not claim any defense which could make the Court go behind the law. Why this anxiety? Why, he says to Garfield, "I am afraid the editors will poison the public mind," and they are apt enough to do it. When an occurrence of this kind happens, the editors seem to vie with one another in this. I am not aware, however, that this matter has been treated unfairly. He was afraid of the poisoned state of the public mind. He was anxious about the public sentiment. They ask what public sentiment could be to an insane man, and want you to conclude that he was a sane man because he inquired what the public sentiment might be. In that very fact, gentlemen, his delusion leaks out. He was anxious about public sentiment and wanted to correct it through the papers. Why? *Because he thought he had done what was right.* The public mind might be differently impressed. It certainly would be, unless a good reason was disclosed, and the reason which such a man would give under such circumstances, would not be very satisfactory to a rational mind.

Gentlemen, I weary you, I know, but there is yet something which remains for me to say, and I hope you will not think it is imposing too much upon your patience. I come now, gentlemen, not wishing to dwell longer upon this matter, as to the transaction itself, because, and only because, I am fatiguing you, and because there is no language which can characterize that transaction as well as you can see it with your own eyes—look at it in the light of the evidence, and I shall be satisfied—I come now to the testimony of the physicians, and here I feel a burden imposed upon me, your Honors, which may prove grievous for me, for I understand it to be claimed by the Attorney here that the testimony of experts, as they are called, Dr. Butler, Dr. Earle, and Dr. Ray, is entitled to little or no weight; and the principle announced I understand to be this—that the more a man knows on any subject, the less his opin-

ion is worth. That I believe is the proposition. And now if this be true, I think both of your Honors owe it to the State of Connecticut to resign, and give place to successors, who do not know anything. And as to you, gentlemen, who, I suppose, have been selected for your intelligence to act as jurors, your places should rather be filled by your children, and the youngest of them, those who know the least, for the doctrine is, the less one knows upon a subject, the more his opinion is worth.

This is not indeed the doctrine of the books, to which we have referred. Their doctrine is, that the better informed one was upon any subject, the more valuable his opinion would be. But this new theory, which has been promulgated here, for the first time, on this extraordinary trial, that the more a man knows the less competent he is to give an opinion, will now supersede, of course, the old notions, and will, through the medium of the press, be handed down to posterity. I have no doubt it will be for their benefit, because they can get along better, gentlemen, than we can do now. They will not need to search for intellectual, well-informed men, to fill public stations; they need not search for men learned in their profession, and who know something of their duty. These men are not always so readily found, and as there are none of them so well fitted to discharge high duties as the most ignorant, it will be a great advantage to mankind.

Now on this subject of experts, gentlemen, and as to what is due to their testimony, let me read from the decisions of one or two Judges, in whom the people have put a mistaken confidence, because they supposed they were the better fitted, by study and experience, to fill the responsible situations in which they were placed. I will read first a word or two, gentlemen, from the opinion of Judge Shankland. It is from a newspaper, but it is under his own hand, and published by his own authority. It has been before referred to. It is his charge in Thurston's case, in which Dr. Butler and Dr. Earle were witnesses. In the first trial Thurston was found guilty. A new trial was granted, and on the second trial, it was proved, beyond all controversy, that the defendant was an insane man, and he was acquitted on that ground.

[Here Mr. CHAPMAN read from Judge Shankland's charge, the quotation cited by Mr. HARRISON, and which appears on page 141.]

I will read also, your Honor, from the second Vol. of *The Journal of Insanity*, page 263; the Journal for 1846.

[Here Mr. CHAPMAN read the quotation, which appears in Mr. HARRISON's speech, on page 140.]

Is it necessary that I should read to you the opinions of other Judges? I could refer you to numerous other authorities, but I know that his Honor, who presides at this trial, will not fail to take care of this matter.

Then, gentlemen, we have the testimony of Dr. Butler, and you have heard the labored attempt that has been made to impeach the story which he told, and the opinions which he gave. It seems to me the Attorney for the State could be better employed than in assailing Dr.

Butler. He is too well known in the State of Connecticut, and occupies too prominent a position ; he is too learned a man ; too honest a man ; too intelligent a man, to be affected by any such assaults from any quarter. What purpose has he to serve ? He is at the head of a great institution ; honored in the community where he dwells ; honored in the State where he lives ; honored in the country at large ; a man of science ; a man of skill ; a man who has devoted his life to the treatment of diseases of this character, and their cure. He has been selected for his great fitness for this position ; he is known to his Honor, the Judge who presides here, and to you ; why, gentlemen, what good does this Attorney for the Commonwealth, defeated, routed, hedged in, overcome, as he has been from the beginning to the end of this trial, what good does he expect to accomplish in this case, by snapping pellets at Dr. Butler ? Something is said about the fact that Mr. Harrison went with him to the prison the first time—not into the cell of Clark, for that is not pretended, but to the office of the prison. A little mistake has intervened here, which is of no sort of importance to any of the gentlemen, in regard to this. Mr. Bryan thinks that Mr. Harrison came with Dr. Butler, but Dr. Butler says he did not. We did not call him to swear upon that subject, and there was not a word said about it, except by my associate, who denies that he accompanied Dr. Butler. It did not go right with the Attorney, who knew that this matter would not bear pushing, so as to elicit inquiry on the subject. What matters it ? We must believe that either Dr. Butler or Mr. Bryan is wrong in his statement. The counsel for the State had better busy themselves in this case, with something more important than that. Dr. Butler goes into this prison on two separate occasions ; three times too, on one day, one after another ; and it is admitted that he was alone with the prisoner during all his interviews. He takes this man through his whole personal history. Let me say to you, gentlemen, Dr. Butler is not the man who can depart from the facts of a case. I know of no man who is more cautious in testifying to insanity. He certainly does not testify, unless he is convinced, and if he were not satisfied of insanity he would testify adversely.

When he had these interviews, he took this man's own story, and upon the responsibility of his professional standing and position, he tells you the prisoner is an insane man. That is what he said ; and he gives you the reasons for it. I am not going over the reasons. I desire that this case shall be committed to your hands to-night, if it be in my power to have it done, and discharge my duty. I will not go into matters which are foreign to the issue in this case. He swears that, in his opinion, the prisoner is insane ; and tells in what the delusion consisted ; that he believed this girl loved him ; that she was overcome, and thus induced to marry another, whose purpose was to victimize her, and to bring her to ruin and disgrace ; that it was his duty to protect her. He strongly remonstrated with them, and finally did the act, which was justified, as he believed then, and as he has believed ever since, and as he believes now. He has never enter-

tained the idea, that in what he did he did any wrong; or if he did think he had done wrong, he has never said it to mortal man. The Doctor says that Clark's mind was filled with delusions, and he described them to you minutely and particularly. Clark told the Doctor his story, and we have shown, by other witnesses on cross-examination, who were introduced on the other side, that the facts which he related to Dr. Butler were true; and, of course, there is no difficulty in the mind of Dr. Butler in arriving at a satisfactory result.

Gentlemen, what is a delusion? I need not tell you. We all know what a delusion is: we all know that it consists in believing a certain fact, or set of facts, when the evidence—all the evidence—proves the contrary—and in determining it upon that evidence. All the evidence here derived from the witnesses proves the contrary: every reason which the prisoner gave for his belief, proves the contrary. They were the very reasons which Dr. Butler says a sane man would regard as establishing a very different state of facts.

Then Dr. Earle swears to the same set of facts, and they convinced him of the same truth; the same set of facts leading him to the same conclusions. He remarks, gentlemen, you remember, that there is a most remarkable combination of circumstances to establish the insanity of the prisoner. The Attorney struck at Dr. Butler, but said very little about Dr. Earle; and yet Dr. Earle swears to the same things, gives the same opinion, and the same reasons for his belief.

Then, gentlemen, we come down to Dr. Ray. I will not stop here to tell you who Dr. Ray is; he was required to tell you himself. He has published the ablest work on *Medical Jurisprudence* ever published in any country. It has gone through three editions here and two in England. He sat here and took notes, and understood the testimony from the beginning to the end. He was put upon the stand without any knowledge on our part of what he would swear; and does that look like attempting to influence our witnesses? He was put on the stand without any regard to what he would swear; a question was put to him as to what is the condition of this man's mind; and he said that he was satisfied, from the evidence, that the prisoner labored under a "gross and well-defined delusion." This is the phraseology. He then runs through the evidence, and gives you the testimony on which his opinion is founded. He tells you he is of opinion that it was a "gross and well-defined delusion." He tells you, if there was no other testimony than that of Dr. Butler and Dr. Earle, it would satisfy him of that fact. Then, gentlemen, I turned him over to the Attorney, and what does the Attorney do? He did the wisest thing he has done since the trial commenced—he let him alone. He let him alone, because, gentlemen, the keen and polished blade had no handle which he could safely clutch. You saw, every one saw, that heard Dr. Ray testify, that he was master of the subject and of the case in all its bearings. It was a subject to which he had devoted more than twenty years' attention. If any of you, as a matter of curiosity, at any time, should wish to look at an exposure of the arts of counsel in endeavoring to entrap professional witnesses, you

will find it done, and well done, in Dr. Ray's work. It is a matter which he understands, as the Attorney well knew. He let him alone on the examination, and let him alone on the argument. Now, gentlemen, we have such men as Dr. Butler, Dr. Earle, and Dr. Ray testifying to the undoubted insanity of the prisoner; and yet the Attorney gravely tells an intelligent jury of twelve men, "Oh, what of them! You should have no confidence in them!" the more a man knows, the less he is to be trusted. The more he understands a subject, the less you are to believe him; the less he knows, the more his opinions are worth. That is the argument which is addressed to the jury, in a capital case, under the influence of which they are asked to believe that the prisoner was of sound mind.

Now, gentlemen, is there opposing testimony to this? None at all. Where are your experts? Whom have you called from the Insane Asylums to opinonate on this subject? Nobody. The Attorney did speak to Dr. Butler; then he did not know that the Doctor had seen the prisoner; but since he knows that the Doctor has seen him, the Attorney thinks you had better not believe what the Doctor says.

Dr. Jewett is called as a witness by the State, and says he did go to the prison, and that Clark refused to converse with him without the consent of his counsel. It has been a general practice in this city, as elsewhere, for people to run in and have conversations with a man accused of crime, while he is in prison. We have not thought it so well to allow this, in the present case. The prisoner was perfectly willing, and had it not been for his counsel, he would have conversed freely with every one. He would have talked indiscriminately to "all sorts and conditions of men," without regard to their discretion or judgment. We desired to prevent this, for we knew that no good could come of it to any one. He was perfectly willing to talk with Dr. Jewett, but we did not deem it expedient, just on the eve of trial, after there had been a thorough examination, by eminent men, who had made the matter of insanity their study, that such an interview should be had. We did not think it expedient, and I wish to take my full share of the responsibility of this measure adopted by us, and of which complaint is made. When we are arraigned for having managed this defense improperly or indiscreetly, we can answer for ourselves; but because at such a juncture we declined to advise a conversation with Drs. Jewett and Knight, you will not find what they do not testify; you will not find this man a man of "sound memory and discretion;" you will not find him guilty of murder, because we have misjudged—if we did misjudge. These gentlemen do not undertake to contradict our testimony. The testimony of Dr. Butler, Dr. Earle, and Dr. Ray stands, not contradicted before you by any member of the medical profession.

An idea was thrown out that there might be simulation on the part of the prisoner. I need not say to you that this is one of the cases of insanity which cannot be simulated. Simulated insanity is of another sort. It is seen in cases where there are continued acts of violence and extravagant outbreaks; but the case where a man is impelled to believe

a thing, and to believe it upon evidence which proves the contrary, continuously and sincerely, is a thing which cannot be simulated. The physicians say so : the books on insanity all say so : there is no pretense from any quarter that this is a case of that kind of insanity which can be simulated or pretended. It began quite too early ; it began quite as far back as 1847, and has been cropping out (as the miners' say) from that day to this, every once in a little while, here and there ; upon this occasion and upon that ; from this cause and from that, and another.

Then, gentlemen, what remains for me to do in this case ? Have I not made a fair presentation of the testimony on both sides,—just as it was ? I have not made any appeal to any feelings of humanity which you may be supposed to have. I have asked only an impartial examination of the evidence, and your verdict upon that. Have I failed to redeem the pledge, that I would show there was not enough of this prosecution to make a shadow on this great question of insanity ? An attempt has been made, which savors of the same pettifogging character as others to which I have already alluded, to satisfy you that my client is an infidel. Well, gentlemen, with great pathos did they tell you he said his prayers at the knees of his mother ; that he was well educated, and really pious in his youth. Dr. Croswell tells you he was a member of his church. But they say, for some years past he doubted the authenticity of the Scriptures, and the existence of the Deity. What can be accomplished by this suggestion ? That is what I do not precisely understand. Do you, gentlemen—any of you—know what the Attorney proposes by this proof, that he so sedulously sought to bring in here ? I would be glad to be informed if it has anything to do with the question which we have under discussion, and which you have to decide ? That is what I wish to know. If it has anything to do with the question, it deserves to be explained ; if it has not, then it deserves to be scouted as one of those paltry, unjustifiable, unprofessional tricks that men will sometimes resort to. Gentlemen, I can tell you what is the only possible bearing which this evidence can have upon the only legitimate question before you. I take it in hand to do that. If the fact be so, that the prisoner is an infidel, that he has forgotten the precepts of his mother ; if his character, in this particular, has undergone a change, you will find it, gentlemen, among the other changes that have been spoken of by the witnesses that are evidential of the condition of mind under which he is laboring. It was said by Dr. Young, that

“The undevout astronomer is mad.”

And the young man that has been brought up “in the nurture and admonition of the Lord ;” who has prayed at the knees of his mother ; who has been a member of a Christian Church ; and at the age of 26 or 27 years has become an infidel, and is satisfied upon reading the first page of Tom Paine's *Age of Reason*, that it is all true, is a deranged man ; that is what I say, and that is what the testimony conduces to prove.

Gentlemen, insanity discloses itself in a countless variety of ways.

The effect which a delusion upon one subject, which in classification is denominated monomania, has upon the entire mind, was most forcibly illustrated by my associate. If you thrust a stone through the ice, it not only breaks, in its passage, through the substance which it strikes, but sends lateral cracks in every direction. So it is with the insane delusion. To undertake to try a man who labors under such a delusion by any of the tests known to the sane mind, is a mistake; for what impulse may come over the deranged mind; what may lead the man to the commission of an offense; how strong, how overwhelming, how powerful that impulse is; no man knows, but he who is subject to it.

You have here an instance of the effect of disappointed love. The prisoner has brooded over that disappointment until his mind has become unsettled. One of England's sweetest poets, (himself inclined to melancholy,) has a touching description in his *Tusk*, of the effect of such a disappointment upon the mind. Similar instances may have occurred in the circle of your own acquaintance; for they are, by no means, singular.

You will have noticed that this discussion, on the part of the counsel for the State, has been conducted upon the old plan, and one which never fails to be exposed. It is that of taking the testimony and examining it, piece by piece,—fibre by fibre. In that way a small modicum of strength will break and destroy it. But we insist upon taking all the testimony together, and considering it as a whole. Put the testimony together, twist it thread by thread together, and it defies all the strength which the public prosecutor can bring to bear against it.

"There is a wonderful combination of circumstances," says Dr. Earle, "going to establish this fact of the prisoner's insanity." It is this extraordinary *combination* of facts which we have proved to you upon which we rely so confidently in this case. Through them we trace the history of the defendant's malady from its origin down to the commission of this homicide. Thus is the history made complete.

Now, gentlemen, we have labored through a trial of nine days, and have done, in the defense of this prisoner, all which it was in our power to do. We have exhausted our strength, and the charity of the defendant's friends. We have endeavored to do our duty, and so far as we are concerned, our labors are concluded. That which remains of responsibility is upon you, under the direction of this Honorable Court. That you will discharge your duty conscientiously and under the influence of an enlightened judgment, I do not doubt. I have confidence in believing that you will see to it that the law is administered upon the evidence before you. I have no appeals to make to your clemency. I ask for no compromise. My client is entitled to a verdict of acquittal at your hands. The law provides for his safe custody and exclusion from society until he shall be restored to a sound mind, of which the Court are the judges.

The case, gentlemen, is with you; and may God protect the right.

The COURT proceeded to charge the Jury, as follows :

*Gentlemen of the Jury :*

In presenting this case to you, I will premise that although I shall not enter into any extended remarks, yet should you be weary after this protracted trial, I shall not consider it a want of respect, should any of you be constrained to take your seat.

The prisoner is indicted for having, in this city, on the 28th of April, 1855, caused the death of Richard W. Wight, and has been duly presented to you for trial by the Grand Jury. This important trial is now drawing to a close. In the indictment, it is declared, that he *murdered* Mr. Wight, not merely caused his death, but committed homicide with malice prepense, which is murder, and this is the great question which you have to decide. The fact that the prisoner killed Wight is not denied, nor is there any question, as I understand, as to the manner in which this was done. Indeed, his counsel, in their arguments, have proceeded on the ground that he had a fixed purpose to kill, not criminally, however, and that he did execute this purpose. It is certain that at the hands of the prisoner, Mr. Wight came to his death, and substantially in the manner set forth in the indictment; and on a fixed and predetermined purpose of the prisoner to kill him. If this is true, then the question of homicide divides itself into a classification of three particulars. 1st, Is the homicide murder? If so, is it murder of the first or second degree? and if not, is it manslaughter? and you will be called upon by your verdict to say which of these offenses, if either, has been established; each one of them having its corresponding punishment. If no crime whatever has been committed, because of the insanity of the prisoner, you will render a general verdict of not guilty. But if he is guilty, you will say by your verdict whether it is murder in the first degree, or murder in the second degree, or manslaughter, and nothing more. That you may see clearly the distinctions above alluded to, I will read to you some provisions from the Statute Law of the State.

"SEC. 3. All murder which shall be perpetrated by means of poison, or by lying in wait, or by any other kind of willful, deliberate and premeditated killing, or which shall be committed in perpetrating or in attempting to perpetrate any arson, rape, robbery or burglary, shall be deemed murder in the first degree; and all other kinds of murder shall be deemed murder in the second degree; and the jury before whom any person indicted for murder shall be tried, shall, if they find such person guilty, ascertain in their verdict, whether it be murder in the first degree or second degree; but if such person be convicted by confession, the Court shall proceed by examination of witnesses, to determine the degree of the crime, and to give sentence accordingly.

"SEC. 4. Every person who shall commit murder in the first degree shall suffer death.

"SEC. 5. Every person who shall commit murder in the second degree, shall suffer imprisonment in the Connecticut State Prison during his natural life.

"SEC. 6. Every person who shall commit manslaughter, shall forfeit and pay a fine not exceeding one thousand dollars, and suffer imprisonment in the Connecticut State Prison, for a term not less than two, nor more than ten years."

So you perceive, in every case of homicide, the offense may be either

one of three crimes, and the great controversy is, into which division the homicide under enquiry, is to be placed. It seems to me to be obvious that this homicide is murder of the first degree, if there be any crime whatever, and this I believe the worthy gentleman who opened the defense, conceded, for as the murder was premeditated, he did not deny that there was malice and premeditation enough, if the defendant was of sound mind and memory, which however he earnestly denied. As the word murder is not defined in the Statute, but is left to the common-law definition which has been handed down, from the earliest periods of the common-law, and agreed to throughout this country, I shall give you the definition to guide you in your further enquiries. Murder is defined to be, "when a person of sound memory and discretion (and you will remark I emphasize 'sound memory and discretion') unlawfully killeth a reasonable creature in being, and in the peace, with malice afore-thought, express or implied," and this is the crime you must find the prisoner guilty of, to convict him of murder in the first degree.

You will perceive that I have said the killing must have been perpetrated with malice. This is its great characteristic; it characterizes the greatest crime which a man can commit, except perhaps treason, which, in the eye of the Government, implies a greater disregard of human life and general well-being. The malice need not, of course, show a personal bitterness or hostility toward the person who is killed. Wickedness of heart, or a mind bent on mischief, may be manifested so as to prove the malice contemplated by the law. Should one discharge a pistol into this assembly and thereby take life, the offense would undoubtedly be murder; not because the perpetrator harbored a personal hostility to the person killed, but because it proves his utter disregard of human life. Should a person from the top of a building situate in some of the most populous streets of this city, cast down wantonly, timbers or stones, and thereby destroy life, that would involve all the malice or wickedness of heart which makes it an act of murder.

You may enquire for this purpose, as to any preliminary measures taken by the prisoner to kill his victim; any plan or threats, or the deadly instrument used to perpetrate the deed. For if the prisoner is not found to be insane, (and for the present I assume that he is sane,) these circumstances you will regard as tending to prove malice. You will look, too, at the manner in which the deed was done; the prisoner entered the house of the deceased, in the daytime, and in the presence of his wife and her mother, deliberately took from his pocket a loaded pistol, placed it within three inches of Wight's head and shot him, inflicting a fatal wound. Surely this is enough to convict the prisoner, if there be nothing in the defense, to which I will allude.

I will here, gentlemen, premise, that this malicious state of mind is not excused in the eye of the law, by any momentary passion, nor by any momentary obscurity or inability of mind to discern the character and consequences of the act, for this would be to shield a man who by his cups, might have destroyed his capacity to distinguish between right and wrong; yet if his inability to discover the moral character of the

act was the result of disease, a broken down mind, a fixed and permanent loss of intellectual power, this would be, in the eye of the law, a justification or excuse; for although the disease had been induced by voluntary misconduct, as the indulgence of bad habits and evil courses, yet when it has become a disease, the law will not hold the person an accountable agent, though the law of God may hold him equally accountable, as if he had not destroyed his mind. So, too, if the want of ability to apprehend the character of a crime is the result of scepticism, as if a person had brought himself to believe that there is no God, no moral government, no hereafter, or that he is not a free agent, but a mere machine, a fatalist, if he has lost all desire to live himself, and under these views is ready to take the life of any one who crosses his path, or defeats his aims, this, as you well know, is no apology; for it is an abuse and not a proper use of his talents. No man is responsible to the law for the atheistical views merely which he may be pleased to entertain, but he must take care that these views do not lead him to overt acts which are an offense against the laws. I do not say that any of these things are true in relation to the prisoner, but you have heard what is claimed on the part of the State touching the prisoner, and you are bound to enquire whether, from the evidence, if there be an inability, what was the character and cause of it.

This, gentlemen, brings you to a point in the prisoner's case, of the gravest and most decisive character. His counsel, with unusual eloquence, insist that he was not of sound mind when the homicide was committed, that this disability of mind was not momentary or the result of excessive indulgence, (which they utterly deny to be proved,) or of any sceptical views on religious subjects; they insist he was a deranged man—had been so for months, if not years, before the crime was committed. You will approach this point of the case with all that solicitude and careful scrutiny which the magnitude of the result demands. You are to do justice to the memory of the dead, to the feelings of the survivors, to the community, and to the man arraigned before you.

On the 28th day of April a tragedy occurred in this city, which justly convulsed the sensibilities of the whole community. This young couple, who had been married but a few weeks, were living happily together in their own dwelling, when, on a sudden, Mr. Wight was deliberately slain in the presence of his wife, by the prisoner. The perpetrator may not have been an accountable being, or responsible for his acts, which, indeed, would be an excuse, and which it is claimed, was the true cause of this awful tragedy; and hence you approach this question, as I have said, with deep solicitude, that in discharging your duty you take care that neither the public interest, nor the accused, suffer at your hands. Something has been said of a prejudice existing against the plea of insanity. I cannot admit that any such prejudice exists in this case. Certainly it should not. There are hasty opinions formed in cases of this character by the public, I am aware, but against a well-founded defense of this character, sustained by satisfactory evidence, there can be, I think, no prejudice in a reasonable mind.

The question, then, to be decided, is, what was the state of the man's mind *on the 28th of April*. The state of his mind at any time before or after that day, in one sense has nothing to do with the question. Your enquiries will be directed to the day and the time when Mr. Wight was killed. The prisoner's conduct before and since the homicide, his states of mind, his declarations and conversations—his appearances, in other years and months, are of no importance, except as they bear on the state of the prisoner's mind on the 28th of April. These things, before and after, I do not wish to depreciate, but their importance, and their only importance, consists in their bearing upon the point in issue, as just stated. These circumstances may be so remote from that day, so obscure in their proof and real character, so dubious in their cause or existence, as not to guide you to any satisfactory conclusion; still it would be manifestly unjust to discard or overlook such evidence, for it may be the only evidence which the counsel for the prisoner can look to, to establish their defense, and it is such evidence as does bear upon the question, what was the state of this man's mind when he committed the deed.

I will further remark, that the law presumes every person of mature age to be a reasonable and accountable being, and so the prisoner is to be held to be, unless he can satisfy you by the proof in this case, coming from either side, that he is not so. All laws and all lawmakers proceed upon the supposition of sanity of mind and accountability; and likewise that each person is acquainted with the laws of the land. If, therefore, the prisoner has perpetrated a crime, or which would be such upon the presumption aforesaid, the burthen of proof, as I have just said, rests upon him, to throw off the responsibility, by proving his insanity. His counsel, if the evidence will justify it, may show he is insane, either generally or partially—that he is idiotic or without mind; and it is a good defense, if sustained by proof, for laws were made for rational men, and not for those who are bereft of reason. I say bereft of reason, that is, that he has not intellect or ability or memory to connect the relations of a subject; that he cannot apprehend the moral character of the deed, and has not a will to act in accordance with his conclusions; in a word, they may show that he was a machine and had not moral power to act for himself. It is true, all will admit, that God does in some cases so afflict our fellow beings, and it may be he has done it in the case of the prisoner. It is claimed that he has. The enquiry is, therefore, worthy of your most careful consideration, how the fact is. This mental capacity may be expressed in other words, though of the same import. If, at the time of the alleged offense, the prisoner had capacity and reason enough to enable him to distinguish between right and wrong in this instance, or to understand the nature, character and consequences of the act, and could apply his knowledge to this case, not being overcome by an irresistible impulse arising from *disease*, then he was an accountable being, but otherwise he was not. You see that I emphasize the word *disease*, for, as I have already said, an inability or obscurity of mind, or a deadness or loss of memory, of

a temporary character, the result of voluntary and culpable conduct, as intoxication or extreme hatred, is no palliation for an offender, for it is probable few murders are committed by men, who, at the time, have a clear appreciation of the character of the offense they commit; the law most justly holds a man responsible if the disability is temporary and produced by his misconduct. If the disease is, however, fixed and permanent, then he is not responsible. I have likewise said an offender can find no impunity in scepticism or atheism. This would be to surrender the world to dark fatalism, or to the uncontrolled dominion of those who would pull down the entire fabric of government, and of society.

Gentlemen, the counsel in this case have presented for your consideration, very different theories in accounting for this awful homicide; the counsel for the State claim that the homicide is a cool, deliberate and malicious murder, committed by one, himself sick of life, and regardless of the life of others. On the other side, it is said the prisoner labored under an hallucination, that he verily believed it was his mission to take the life of Mr. Wight, in order that he might deliver Mrs. Wight from oppression and ruin,—that he was a man of good character and kind temper, and was driven by a diseased and deluded mind to commit the fatal act, having no ability to apprehend its moral character and relations.

In my further remarks I shall allude to the testimony in a general manner, only, for after so full a discussion of every portion of the evidence, it cannot be necessary for me to go over it with minuteness, and in doing so I should do injustice to the arguments which have been addressed to you, with so much ability on both sides.

The testimony may generally be divided into three classes; 1st, the conduct and circumstances of the prisoner before the homicide; 2d, the manner of the homicide itself; and, 3d, the conduct and circumstances of the prisoner subsequent to the homicide. This general division embraces all the testimony which has been adduced by the prisoner's counsel, or obtained from the cross-examination of the Attorney's witnesses, tending to prove the insanity of the prisoner. First, then, as to the evidence before the homicide, your attention has been called to the fact that his progenitor was of unsound mind. We need not go to the profession to know that insanity is a constitutional propensity that can be inherited, but the State denies the matter of fact, that the father of the prisoner ever was of an insane mind. The Attorney says that the circumstances which are alluded to as proving unsoundness of the father's mind, do not prove insanity, and that there is no reasonable doubt, that the father was perfectly sane,—that the second witness for the defense (Mr. Spencer) and others introduced by the prisoner's counsel, say, that Heman Clark was not insane, but only extravagant, and this in most instances from intoxication—that he was in this state when he said he could remove East Rock into this city, and when he uttered those blasphemous expressions, which were sworn to by Mr. Ellis. You,

gentlemen, may assume the principle of inherited insanity, but you will need to examine the evidence to find out what the fact is in this instance. It is but a circumstance at the best. In the next place it is said that in 1846 or 1847 the prisoner manifested a peculiar state of mind, in relation to a female in Chicopee, by the name of Scott. The testimony adduced touching Miss Scott, is of no importance except as it tends to prove the prisoner's insanity in 1855. If all the facts, therefore, testified to in the depositions, are to be taken as true, that he was deeply affected by his disappointment in that instance, and that he manifested his feelings as claimed, it will be a question for you, whether and to what extent this proves insanity in April, 1855. The Attorney says that there is nothing serious in all this matter, for that the prisoner came to New Haven to reside in 1847 or '48, that he was first here employed as a clerk and then purchased out his employer, and has from that time until the time of the homicide, been a man of sound mind; that he came here eight years ago, of sound mind and has remained so ever since, doing business as any other man in the community, and was never suspected of being singular, until within a few weeks or months before the homicide. The prisoner's counsel have further endeavored to prove by Dr. Croswell and some others, that many years since, and especially on the death of his mother, the prisoner manifested a mind of peculiar sensibility and at times of a melancholy tendency. It is further said, that in the year 1850, he declared, without any cause for it, that he was afraid he should kill his brother. Now how much is to be inferred from all this testimony, taken together, it is for you to determine.

But, however it may be, as to these early periods, it is said that in January, March, and April, 1855, his conduct was of such a character as to establish beyond all doubt, his unsoundness of mind. Many witnesses are brought to state the strangeness of his appearance and behavior during these months,—what he said,—the neglect of his business,—the slighting of his customers,—his shedding of tears profusely,—his restlessness and distress,—and especially his vacant laugh; these things they say prove his insanity. On the other side, witnesses are introduced, having, as is claimed, as good opportunities to observe the prisoner, and they saw nothing of the kind. It is true, as has been said, that affirmative testimony is of more weight than negative, and how far this principle can be applied with propriety to the testimony before you, is for you to decide. I think it is quite proper to look at these things, for they are just what would be expected in case of an insane mind, but I leave this part of the subject without going more minutely into the facts, or the irrationality of what he said to his acquaintances, observing only that the Attorney claims this testimony has been highly colored, and that the things testified to were not generally of sufficient importance to induce the belief, in many instances, of insanity at the

time. This is all that I shall say touching the evidence prior to the homicide.

I come now to the manner in which the homicide was committed. This has been dwelt upon with great power by the gentleman who last addressed you. He has endeavored to show you that the prisoner did not, at the time, understand what he was about, but was acting under an hallucination which shields him from accountability. It is said that he entered the house openly and deliberately, having the loaded pistol in his pocket, that he passed first into the back room and saluted the family just then rising from the tea-table, followed them into the front room, and there, in the presence of Mrs. Wight, shot down her husband, and then walked calmly out of the door, returned the pistol to the person from whom he borrowed it, saying he had killed a two-legged cat, went to his store, engaged as usual in business, and when soon after enquired for by the officer, said he was ready to go with him to prison. It is insisted that these circumstances are so extraordinary, that they prove insanity, and an entire unconsciousness of having done anything wrong, beyond any reasonable doubt.

On the other hand, the counsel for the State draw a very different conclusion from these premises. They insist that it is in accordance with his own prior and subsequent declarations that he had become tired of life; that he had no wish to live; had no belief of a future state of rewards and punishments; that he was a skeptic, in whatever appertained to God or his government; and that, with feelings rankling in his bosom against Mr. Wight, for having supplanted him in the affections of Mrs. Wight, he had determined to put Wight out of the way, come what might. They insist that in the prison, after the homicide, in conversations with Gunn, Garfield, Mrs. Beers and others, he said life had no charms for him, that he had paid a debt and had his revenge. But, gentlemen, you perceive that this theory is of a very different character from that on the other side, and this is a deeply interesting part of the prisoner's defense. Did the prisoner go to that house for the purpose and under the conviction which he afterwards declared to the physicians in the prison, and was he indeed bereft of reason, as they have declared? Or is it true that when he obtained the pistol and loaded it to shoot a cat, as he said, with such coolness and deliberation, his mind was of the character and controlled by the motives claimed by the Attorney for the State? The two views are world-wide apart, and it belongs to you to say which theory is right.

I come, thirdly, and in conclusion, to the narrations made by the prisoner, in prison, to the Physicians who have been called before you in his defense. His counsel say they have brought before you three physicians, unsurpassed in professional reputation and ability, to observe insanity, and that they are able to communicate to you the truth in this case. They justly insist that this is a kind of testimony entitled to the greatest consideration, and in this conclusion

I most certainly coincide. All reasonable men must agree, that on a subject so intricate and involved as the operations and laws of the human mind, men of professional experience are witnesses of very great importance. These witnesses are denominated experts, from their peculiar familiarity and acquaintance with the subject of insanity. The principle of receiving such testimony is very familiar to judges and to courts of justice. Were there now a question before you whether a certain ship was sea-worthy, to perform any specific voyage, unless you are ship-carpenters you could not readily decide the question, but a sea-captain, or a man of nautical experience, could settle the question without difficulty. So, if a man is wounded, and dies as is supposed from the wound, the surgeon or physician who attended him, is best able to pronounce whether he died from the effects of the wound, or from some other cause. I will say further, that I attach particular importance to the testimony of these physicians, from the fact that they are gentlemen of such long experience and distinguished reputation. They are all known to the public to be at the head of their department; and of Dr. Butler, with whom I am personally acquainted, I can truly say he is a man of great integrity and moral worth. But the value of this testimony, in this instance, must depend not a little upon the decision of another question, and that is, whether the story of the prisoner was a true exposition of his mind at the time of the narration and of the homicide, or was trumped up for this defense. The prisoner's counsel insist that the physicians were not and could not be deceived, as they have themselves declared; but on the other hand it is insisted that there might be a deception: they say that this defense of the prisoner was got up by him at a comparatively recent period, as his last and final resort to save his life; that Dr. Earle, one of the physicians, visited the prison in the month of July, and before Dr. Butler; that he entered the prison in company with the prisoner's counsel, Dr. Earle having requested the counsel to accompany him; and let it be noticed, the COURT do not impute to the prisoner's counsel any consent of theirs to any mere pretended insanity of the prisoner, or to any fraudulent defense of that character. But on this point the Attorney has a right to insist, and he does insist, that the prisoner knew the object of Dr. Earle's visit, and that he would be friendly to his interests so far as Dr. Earle believed him insane, judging from the narration the prisoner was about to give him.

It was after this, and in the month of August, that Dr. Butler visited the prisoner. Dr. Butler was introduced by the jailer as Dr. Butler, and then the prisoner gave the narration which has been detailed by the witness. It is said by the Attorney, that it would be no great stretch of the prisoner's ingenuity, to know what sort of a narration to give to physicians visiting him under these circumstances. I shall leave this entire testimony to your judgment, trusting you will form a just opinion upon it, as you are bound to do, after a

careful examination and scrutiny of it all. The Attorney insists that the narration of the physicians is subject to suspicion, from the fact, that other persons all along from the day of the homicide, viz : Mrs. Beers, Mr. Garfield, Dr. Hubbard, Gunn and others were often in the prison, some or all of them, and called the attention of the prisoner among other things, to the cause of the homicide, and that to none of them did he disclose that he perpetrated it for the cause which he stated to his own physicians : and further, that they had never discovered anything extraordinary in the conduct and appearance of the prisoner while in prison. Indeed the Attorney says that when Gunn was there, soon after the homicide, the prisoner enquired of him what was the state of public opinion on the subject ; that Gunn said, " public opinion is that you ought to be strung up." " Well, what is your's?" " Mine is that you ought to be strung up;" to which or to like remarks, the prisoner replied : " I have had my revenge." The Attorney insists that the whole story was a thing of after calculation, and that it had no foundation in the day and time of the transaction, and that generally at least, his conduct has not been such as to attract public attention. If the narration of the prisoner is simulated, it is of no importance ; if otherwise, as his physicians declare it must be, it is of very great weight.

In connection with the genuineness of this narration, the State complains, and I do not say it is entirely without foundation, that the prisoner has not suffered himself to be examined by any other physicians besides those of his own choosing ; that when Dr. Jewett and Dr. Knight called, some few weeks since, at the prison to see and converse with him, to ascertain the state of his mind, as they had been requested to do by the State's Attorney, the *prisoner* enquired of them who sent them there, and learning that they came at the request of Mr. Foster, he declined having any conversation with them, until he had first seen his counsel ; and it so turns out that the prisoner did never afterwards see them. Whether if they had been received, they would have discovered anything inconsistent with the narrations of Drs. Butler and Earle, cannot be known ; but it is a circumstance which the Attorney claims is not to be overlooked in reflecting upon this part of the case.

I have thus, gentlemen, arrived at the conclusion of all the remarks called for on this occasion from the COURT. If you are of opinion that the prisoner has succeeded in his defense, on the ground of insanity, you will so declare by your verdict, and that he is acquitted on that sole ground ; as in that event further action will be called for on the part of the COURT. If, on the contrary, you find him guilty, then you will say whether it is murder, and what degree of it, first, or second, or only manslaughter.

Perhaps a word is due on another topic, and the COURT here wish to declare that they have discovered nothing in the whole progress of this case, in the least degree implicating the conduct of Mr. or Mrs. Wight, or of her parents.

And now, gentlemen of the Jury, you have this great case in your hands for your final disposal. I may not have called your attention to all that I had intended to do, but you will carefully consider the whole evidence, as much so as if I had detailed and commented on it minutely, and the arguments of counsel which have been addressed to you. You cannot be insensible to the importance of your verdict. As the homicide itself, and the manner of it, are not controverted, everything would seem to turn upon the state of the prisoner's mind. Was he capable of understanding the transaction, or was he not? If he was, you have no alternative but to pronounce him guilty; if he was not, then he is not guilty; and if this be true, may God grant him a safe deliverance at your hands!

The JURY retired.

COURT adjourned.

*Thursday Morning, September 27th.*

COURT opened at 10 o'clock, 53 minutes.

The JURY had not come in.

COURT adjourned.

*Thursday Afternoon, September 27th.*

COURT opened at 2 o'clock.

The JURY came in.

The CLERK called the names of the Jury, and as each man was called, he rose. Their Foreman was David B. Hurd, of Waterbury.

The COURT said:

"*Gentlemen of the Jury* :—The prisoner is not here; you may say by your Foreman whether you have agreed upon a verdict, not telling what it is; and if you have agreed on any verdict, I will order the prisoner to be sent for."

FOREMAN.—"We have agreed upon a verdict."

The PRISONER was sent for, and brought into the Court room.

The CLERK said to the prisoner: "Stand up."

The CLERK said: "Gentlemen of the Jury, look upon the prisoner. What say you, Mr. Foreman, is he guilty or not guilty of the crime whereof he stands indicted?"

FOREMAN.—"In this case we have found the prisoner NOT GUILTY ON THE SOLE GROUND OF INSANITY."

The PRISONER was remanded to jail.

COURT adjourned.

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